

**Yellow Medicine County Board of Commissioners  
Policy Manual**

## **Policy Statement**

**TITLE**

**Personnel Policies**

**CODE**

**201**

**REFERENCE**

**PERSONNEL RESPONSIBLE**

All County Employees

**EFFECTIVE**

03-01-06

**LAST UPDATED/AMENDED:**

1-3-12

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**AUTHORED BY:** Personnel Committee

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**APPROVED BY:** County Board

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### **General Provisions**

#### **201.051 - Purpose and Scope**

- (A) It is the purpose of this policy to establish a uniform and equitable system of personnel administration for employees of the county.
- (B) The Personnel Policies established and adopted for the county are set out in the following articles. Upon adoption of these policies by resolution of the County Board (the "Board"), the policies shall constitute, and be referred to as, the official "Personnel Policies" of Yellow Medicine County (the "County"). The provisions hereof shall apply to all employees of the County, except that, in case of conflict between applicable statute or ordinance, the statute or ordinance, shall prevail. Responsibility and authority for implementation and administration of these policies is vested in the County Administrator through the Board, except as otherwise specifically provided herein.
- (C) Any employee included in a collective bargaining agreement entered into in accordance with Public Employment Labor Relations Act shall be exempt from any provision in this policy which is inconsistent with such collective bargaining agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota Statutes Chapter 44, 419, or 420 is exempt from any provision of this part which is inconsistent with such a statute or rules and regulations adopted thereunder.
- (D) Nothing in this policy is intended to modify or supersede any provision of the Veterans' Preference Act.
- (E) Statutory elected officials shall be considered employees, but exempt from the provisions of this policy when inconsistent with said statutes. Should said statute not address any regulation or rule of procedure prescribed for these policies, then said employee shall be subject to that regulation or rule of procedure under the County system.
- (F) It is recognized that, except as expressly stated herein, the Board, Administrator, and Department Heads shall retain whatever rights and authority necessary for them to operate and direct the affairs of the County in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct, and control all the operation and services of personnel by which such operations and services are to be conducted; to assign and transfer employees; to schedule working hours and to assign overtime; to determine whether goods or services should be made or purchased; to suspend or discipline; to relieve employees due to

lack of work or other legitimate reasons; to make and enforce reasonable rules and regulations; and to change or eliminate existing methods, equipment or facilities. The Board shall retain the rights and authority to change or eliminate benefits provided herein and retains the sole authority for hiring, promoting, demoting, or discharging employees.

**201.52 - Equal Employment Opportunities**

- (A) It is the policy of the County to maintain a work environment free from discriminatory harassment based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age or familial status. This prohibition with respect to discriminatory harassment includes both overt acts and other actions that create a negative or hostile work environment. In addition, coercion, reprisal or intimidation of anyone filing a complaint or serving as a witness under this policy is prohibited. No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse.

**201.053 - Applications and Amendments**

- (A) These personnel policies and any amendment thereto, unless otherwise specified in the resolution adopting the amendment, shall be applicable to all present and future employees of the County.
- (B) Nothing in these policies is, or is intended to be, a contract of employment between the County and any employee or person offered employment, or grant a right to any such employee or person to be continued in the employment of the County, or to limit the right of the County to discharge any of its employees.
- (C) The Board reserves the right to alter or eliminate any benefit and to revise these policies. Any such alteration, elimination, or revision shall be applicable to current, as well as future, employees.
- (D) Amendments to these policies may be proposed by any Employee, County Committee, the County Administrator or any member of the Board. Such amendments must be submitted through their representative to the Labor Management Committee. All proposed amendments to these policies shall be reviewed by the Labor Management Committee before being submitted to the Board for consideration. The Labor Management Committee shall provide a recommendation to the Board on the proposed amendment. No part of these policies may be changed or deleted without said amendment being placed on the agenda of a regularly scheduled Board meeting for discussion and Board approval. (amended 6-26-07)

## **201.054 - Administrative Policies**

- (A) The County Administrator and Department Heads may issue administrative policies for the purpose of enforcement, implementation, or clarification of these personnel policies. Such policies shall be effective on the date specified and shall be placed on record. These policies are open to public inspection during normal working hours. In case of any conflict between the personnel policies and any administrative policies, the personnel policies shall prevail. The Board may, by resolution, repeal any administrative policy.



## **201.100**

### **Conditions of Employment**

#### **201.101 - Acknowledgment of Policies and Orientation**

- (A) Each employee shall be given a copy of these personnel policies, shall acknowledge receipt in writing on a form provided, and shall state on this form that they have read the personnel policies and agree to abide by them.
- (B) Employees will be notified of personnel policy changes throughout the year. During open enrollment, employees will be asked to acknowledge that they have read and understand the policies.
- (C) The Human Resources Coordinator will provide, for a new employee, orientation on the employee's first day of work. At a minimum, this orientation will include: County Personnel Policies, I-9 form, W-4 form, any benefit information and application forms, and a review of any County policies. Individual Department Heads will explain their departmental policies and procedures.

#### **201.102 - Workweek**

- (A) The standard workweek shall be either 37.5 hours or 40 hours, with the exception of exempt employees. The County's workweek is declared to be a seven consecutive day period commencing at midnight, 12:00 a.m., Sunday and ending at 11:59 p.m. the following Saturday.

#### **201.103 - Working Hours**

- (A) Normal office hours are either 8:00 a.m. to 4:30 p.m. (40 hour schedules) or 8:00 a.m. to 4:00 p.m. (37.5 hour schedules), Monday through Friday. Supervisors may require/approve employees working on other schedules as dictated by departmental needs and based upon the nature of the assignment.
- (B) Employees who work a standard 7.5 hour or 8 hour day are entitled to two fifteen (15) minute breaks with one break toward the middle of each ½ work shift. Employees should not normally be scheduled to work longer than 3 hours without a break. Employees who work other than normal schedules may take breaks depending upon the constraints of the working conditions within each department as determined by their Supervisor.
- (C) Meal breaks are to be taken at times approved by the applicable Department Head. Supervisors will insure that employees have the opportunity to take scheduled meal breaks. The meal break shall consist

of 30 minutes without pay. Law enforcement personnel will take meal breaks while on duty. Longer meal breaks may be arranged, with the approval of the applicable Supervisor, by working additional time before or after the normal work day.

- (D) All breaks should be scheduled so that a department is not left unattended during normal business hours.

#### **201.104– Overtime and Compensatory Time Accrual**

- (A) For purposes of this document, the following terms will apply as defined here.

Overtime: is defined as time worked by an employee beyond 40 hours per week. For employees who are non-exempt under the Federal Fair Labor Standards Act (FLSA) or who are treated as non-exempt, overtime will result in the employee being entitled to earn time at a rate of time and one-half for actual time worked. Overtime may be compensated as time off or as pay.

Compensatory time: is defined as time worked by an employee beyond their normal work schedule but less than 40 hours per week. Employees whose regular schedule is 40 hours per week do not earn compensatory time.

Compensatory time is earned at a rate of one to one time for all time up to forty (40) hours per week. Compensatory time is paid to the employee and may not be accrued as time off.

- (B) The county provides overtime compensation to employees who are non-exempt under the FLSA. Overtime must be approved by the applicable Supervisor.
- (C) All employees are expected as a matter of good management and efficiency, to make every possible effort to minimize time worked beyond their normal schedule.
- (D) A Department Head or Supervisor may direct an employee to work over their normal scheduled hours. If the work performed is more than their regularly scheduled 37.5 hours but less than 40 hours in a week, they are entitled to Compensatory time and will be paid at their current rate of pay.
- (E) If a Department Head or Supervisor directs an employee to work more than 40 hours per week, the employee is entitled to overtime. When recording overtime earned on the employee's timesheet, employees may choose to take the overtime as time or pay (based on the employee's current hourly rate).

- (F) Employee travel time to attend required training is allowable time for accrual toward compensatory time or overtime with prior approval.
- (G) All compensated hours taken count towards the 40 hours requirement for purposes of determining overtime.

#### **201.105 – Overtime and Compensatory Time Use**

- (A) The County shall keep records of all accrued overtime and compensatory time.
- (B) In an emergency situation, the County Administrator may determine all time to be accrued at Overtime rates (including time up to 40 hours).
- (C) Employees must have prior approval by their Supervisor or Department Head to take off time that was accrued as overtime.
- (D) Employees may carry over up to eighty (80) hours of accumulated overtime at calendar year end.
- (E) Employees who have accumulated overtime may request to use it as time off or have it paid out throughout the year.
- (F) Overtime cannot be taken on the same day that Overtime or Compensatory time is earned.
- (G) Overtime and Compensatory time may be earned in ¼-hour increments.
- (H) Overtime may be taken in ¼-hour increments.
- (I) An employee leaving County employment shall be compensated for overtime accrued and unused to the date of separation at the regular rate of pay. One hundred percent (100%) of such compensation shall be paid into the employee's VEBA or Health Saving Account as per law.
- (J) Any employee who has a change in status from non-exempt to exempt due to a promotion shall be compensated for overtime accrued and unused to the date of the promotion (change in status) at the rate of pay prior to the promotion. One hundred percent (100%) of such compensation shall be received as pay.

#### **201.106 - On-Call Time**

- (A) Hourly employees will be compensated for on-call time in accordance with the applicable collective bargaining agreement

## **201.107– Emergency Closings** (Amended 5-8-07)

### **(A) Weather Related**

- (1) The County Administrator and Board Chair are authorized to make a joint decision to declare that a weather related emergency exists and close county facilities. The Family Service Center Director is authorized to make a decision in the absence of the County Administrator. This includes days when blizzard conditions exist. Employees who are scheduled to work during a County initiated closing will be paid at their regular rate of pay and will not be required to use accrued time for the duration of the closing.
- (2) Employees in the Highway Department required to perform snow plowing and other weather emergency duties (typically Highway Maintenance Workers) and employees in the Sheriff's Department also required to perform their duties during weather emergencies (including but not limited to on-duty Deputies, Jailers and Dispatchers) are considered essential employees and are not included in this section of the policy.
- (3) Employees, with permission from their Supervisor, have the option to stay at work when county facilities close due to a weather related emergency if their job duties do not require county facilities to be open and other staff to be present.
- (4) Employees choosing to leave work, without a declaration of a weather related emergency, that includes closing the County facilities, must use vacation, comp time or snow leave.

### **(B) Emergency-Related (Toxic Spill, Hostage Situation, etc.)**

- (1) When a short-term (less than 8 hours) emergency exists, the Board or the County Administrator may choose to close one or all County offices.
- (2) Unless determined otherwise by the Board, employees will not have to use vacation, time without pay, sick leave, or compensatory time for the time the offices are closed.

### **(C) Other (electrical outages, etc.)**

- (1) When an event disrupts the ability of employees to perform work, the Administrator and Board Chair may determine the office will be closed until that situation is remedied.

- (2) The Department Head will determine which employees are affected by the closing. Employees will be able to leave the office but will remain on-call and expected to return to work upon notice from their Department Head. During this County initiated closing, employees will be paid at their regular rate of pay and will not be required to use accrued time for the duration of the closing.
- (3) Employees choosing not to return to work will need to use vacation or overtime from the time the office was declared re-opened to the end of their workday.
- (D) Closing Protocol During Regular Office Hours - When an emergency has been declared during normal business hours (Monday through Friday, 8:00 a.m. to 4:00 p.m.), the Board or the County Administrator should notify all the building sites affected by the emergency in a timely manner. It will be the responsibility of the designated person in each building site to notify its employees as per the County Safety Plan.
- (E) Closing Protocol During Non-Office Hours - When an emergency has been declared during other than normal business hours (after 4:00 p.m. on normal business days or between 4:01 p.m. Friday through 7:59 a.m. Monday), the Board or the County Administrator should provide notification to local radio stations of such determination. This notice should be in as timely a manner as possible.

#### **201.108 – Snow Leave**

- (A) Employees may use up to two (2) days of sick leave (based on the employee's monthly sick leave accumulation rate) per year for snow leave. Such leave may only be used on days when the school serving the city where the employee is working or where the employee lives is closed because of snow related conditions.

#### **201.109 - Time Records**

- (A) Employees will keep an accurate record of hours worked on the standard County timesheet and submit such record to their Supervisor. Supervisors are responsible for verifying the accuracy of the time records submitted.

#### **201.110 – Personal Use of County Vehicles**

- (A) Personal Use Defined – Personal use is any use of a County vehicle other than that required to perform an employee's assigned duties. Examples of personal use would include:
  - (1) Use of a County vehicle for commuting to and from your normal place of work;
  - (2) Taking a County vehicle home for the evening or for breaks;

- (3) Shopping for and/or transporting items that are not job related;
- (4) Transportation of family members or others not directly related to County business. However, family members attending a conference or seminar with a County employee may be passengers in a County vehicle; and
- (5) Any other non-work use of a County vehicle.

The first two items on this list, i.e. commuting and breaks, are not applicable to emergency vehicles assigned by the Sheriff's Department. However, all other items are applicable to that department.

- (B) Except in the case of an emergency, any ongoing personal use of a County vehicle must have prior Board approval. The Board, the County Administrator or a Department Head on an occasional or incidental basis, may also direct an employee to take a vehicle home if it is to the County's advantage to do so. Approval does not remove the tax consequences of personal use.
- (C) Internal Revenue Service (IRS) rules and regulations will be followed when employees are allowed the personal use of a County vehicle. Those rules and regulations require the employer to report vehicle benefits as income to the employee on their annual W-2 form. The amount of that income will be determined by either a mileage rate (the current IRS mileage rate) or an imputed annual lease rate (the current IRS lease rate) less any business use.
- (D) Employees must track and report to the Finance and Administration office any personal mileage accrued on a County vehicle by the first work day of each month.

#### **201.111 - Travel, Meals, and Other Expenses**

- (A) Expenses incurred in the course of an employee's official duties (i.e. meals, parking, lodging, registration fees, etc.) will be reimbursed by the County. Reimbursement will not be allowed for meals or lodging within the City of Granite Falls or Yellow Medicine County unless approved by the applicable Department Head. When an employee chooses not to take advantage of meals, or other benefits, already paid for or included in registration fees, and therefore creates additional expenses, those expenses shall not be eligible for reimbursement.
- (B) Expense reimbursements apply to employees only. Costs associated with spouses, children, or other individuals not officially representing the County are not eligible for reimbursement.
- (C) Employees are encouraged to use County vehicles whenever possible. If the County vehicles are not available and employees use their personal

vehicles for County business, mileage will be reimbursed at the current IRS mileage rate.

- (D) A minimum payment of \$2.00 shall be allowed for trips to conduct County business within the city limits for such errands deemed necessary by the Department Head.
- (E) Employees shall make a priority effort to use a county vehicle when available. When a county vehicle is available, and the employee elects to use a personal car, reimbursement for mileage shall be one-half of the IRS rate. Departments without County vehicles are exempt.
- (F) Public transportation used will be reimbursed for the actual cost of the most economical means of travel.
- (G) Meal reimbursements are allowed at the rate established annually by the Board.
- (H) There shall be no reimbursement for alcohol purchases.
- (I) All requests for reimbursement must be on the proper form, include itemized receipts and be approved by the applicable Supervisor or Department Head. Forms must be submitted by the 10<sup>th</sup> of the month for expenses incurred in the previous month.
- (J) If employee expenses are submitted for reimbursement more than sixty (60) days after the expense is incurred, the reimbursement may be taxable and appropriate withholdings would need to be made.
- (K) All employees who drive a county vehicle must have a valid driver's license appropriate for the vehicle being driven.

#### **201.112 - Outside Employment**

- (A) An employee may engage in employment outside of County employment as long as employment does not constitute a conflict of interest with their County employment, the employee's efficiency while working for the County is maintained, and the hours of the employee's other employment do not interfere with the hours required of the employee by the County. No work relating to the employee's other employment may be performed during their County work hours.

#### **201.113 - Gifts**

- (A) No employee of the County, or County official, shall solicit, receive, or accept, directly or indirectly, any gift, gratuity, reward, favor, entertainment, remuneration, loan, or any other thing of monetary value,

from any person who has, or is seeking to obtain, a contractual, business, financial, or other relationship with the County.

- (B) Employees may be permitted to accept food and refreshments in the ordinary course of a business meeting or during an inspection tour where an employee is properly in attendance. Employees may be permitted to accept promotional material such as pens, pencils, note pads, calendars, and other items of nominal value that have not been solicited by the employee.

#### **201.114 - Conduct, Appearance, and Uniforms**

- (A) Employee Conduct - All employees and elected officials are expected to conduct themselves in a manner which reflects favorably on the County and which demonstrates tact, courtesy, and good judgment.

- (B) Employee Appearance - Dress should be appropriate for the position held. It is important that an employee's attire reflects favorably on the County and their department. Although it is not possible to detail every article of attire that may be appropriate, it is expected that employees use good judgment and common sense when selecting their attire and addressing their personal appearance and hygiene.

(1) Those working in an office setting should apply a business casual standard to their attire unless the circumstances call for something different (e.g. a social worker on a home visit).

(2) For those who need to appear in court, speak in public on behalf of the County or represent the County to a large number of people, should apply a professional dress standard to their attire as circumstances warrant.

(3) Those working in the elements or dirty environments have need for more rugged, durable clothing and should dress appropriately.

(4) The following guidelines are meant to assist employees and their supervisors in determining whether attire is appropriate:

- Not all casual clothing is suitable for work. Clothing that works well for the beach or exercise/sporting sessions is not appropriate at work.
- Clothing that reveals cleavage, your back, your chest, your midsection or your undergarments is not appropriate.
- Any clothing, jewelry or body art that has words, terms or pictures that may be offensive to other employees or the public is unacceptable.



- Clothing that has been ordered with the approval of the employee's supervisor containing the County logo is encouraged.
- Clothing should be in good repair and serviceable.
- Perfume, cologne and aftershave lotion should be used moderately or avoided altogether as some individuals may be sensitive to strong fragrances.
- Any article of clothing, body art or jewelry that conflicts with ability to perform job function is not acceptable.

"Conflicts with ability to perform job function" is appearance that:

- Poses a threat to the safety of self or others; results in a productivity issue or the inability to perform a certain job task;
- Offends others on the basis of race, color, religion, sex, national origin, age, disability, marital status, citizenship, veteran status, or any other characteristic protected by federal, state or local laws;
- Results in public complaints or reflects poorly on the agency; or violates term and conditions of an applicable collective bargaining agreement.

(C) Employee Uniforms - When uniforms are either paid for, or provided by, the County they will be worn. Uniformed employees who choose to wear hats will wear uniform hats only when on duty. Uniforms, including hats, are not to be worn when off duty.

(D) Violation of Policy- When an employee dresses in a manner inconsistent with this policy, as determined by the employee's supervisor or department head, the employee may be asked not to wear the inappropriate item to work again or may be sent home to change clothes (on the employee's own time). Progressive disciplinary action will be applied if dress policy violations continue.

#### **201.115 - Use of Drugs and Alcohol**

(A) Employees who are under the influence of non-prescription drugs or alcohol while on the job are subject to immediate disciplinary action. If an employee is reasonably believed by their Supervisor to be under the influence of drugs or alcohol while on the job, the Supervisor shall take immediate remedial action. This also applies to employees of the County not on the job, but who are at a County worksite.

#### **201.116 - Prohibited Political Activities**

(A) County employees are neither appointed to nor retained in County employment on the basis of their political activity, but rather on the basis of their merit, fitness, performance, and ability.

- (B) No employee of the County shall directly or indirectly, during his or her hours of employment, solicit or receive funds for political activities.
- (C) An employee or official of the County may not use official authority or influence to:
  - (1) Compel a person to apply for membership in or become a member of a political organization;
  - (2) Pay, or promise to pay, a political contribution; or
  - (3) Take part in political activity.The County may not impose or enforce additional limitations on the political activities of its employees.

#### **201.117 – Employee Responsibilities**

- (A) General:
  - (1) Every employee shall be neat in their work and shall be fully informed about their duties.
  - (2) Employees shall be prompt and cooperate with fellow employees.
  - (3) All employees are subject to public scrutiny and shall continuously practice good public relations to preserve the favorable attitude of members of the public.
  - (4) Reading of newspapers and magazines, not related to county business, during office hours is prohibited.
- (B) Contact With the Public:
  - (1) Telephone:
    - (a) All conversations should be kept businesslike and brief.
    - (b) Personal phone calls should be limited to those that are absolutely necessary.
    - (c) No personal long distance phone calls may be charged to the County.
  - (2) Visitors – When a member of the public enters any County office or makes inquiry by telephone or mail they are usually seeking information. The job of every County employee is to provide that information as quickly and as courteously as possible.
- (C) County Property:
  - (1) Employees shall preserve and protect the appearance of County property so as to promote the pride of citizens in their County.
  - (2) All files, books, records, and equipment shall be returned to their proper place immediately after using them. This practice will enable other employees and the general public to use the same without unnecessary delay.
  - (3) All equipment shall be properly stored and safeguarded at all times.
  - (4) An inventory of equipment shall be on file in the office of each Department Head.

- (5) No county property or facilities shall be used for personal employee use unless provided for by County policy.

**201.118 – Treatment of FLSA Exempt Employees**

- (A) Employees classified as exempt, under FLSA, have been broken down into three classes:
  - (1) Department Heads – Administrator, Engineer, Family Services Director, Planning and Zoning Administrator, Veterans Service Officer, Property & Public Services Director, Restorative Justice Coordinator and IT Coordinator.
  - (2) Supervisors – Chief Deputy Sheriff, Jail Administrator, Assistant County Engineer, Highway General Maintenance Supervisor, Family Service Supervisors, Finance Manager, Assessor and Property Records Manager.
  - (3) Non-Supervisory – Assistant County Attorneys and Social Workers.
- (B) Department Heads:
  - (1) Are not eligible for any overtime or comp time benefits.
  - (2) Are expected to work a minimum of 40 hour per week. They should be present or available during normal business hours.
  - (3) Regardless of hours worked during the week, leave should be taken if absent for half, or more, of the normal working day.
  - (4) Will be paid on a 40-hour per week pay scale.
  - (5) The Head Maintenance Engineer position is considered a non-exempt Department Head.
- (C) Supervisors:
  - (1) Supervisors hired after 02-28-06 will be treated the same as Department Heads.
  - (2) Current employees will be treated as non-exempt and may continue with their current 37.5 or 40 hour work week.
- (D) Non-Supervisory:
  - (1) Employees in this class will be treated as non-exempt employees.

## **201.150**

### **Employee Benefits**

#### **201.151 - Fringe Benefits**

- (A) Subject to annual policy and budgetary action by the Board, such benefits as the Board may deem appropriate may be offered to employees and Commissioners. Fringe benefits may be increased, decreased, or eliminated at any time by action of the Board, and such action may apply to all current and future employees.
- (B) Employee benefits may vary per individual collective bargaining agreement (Ref. 201.051 C)

#### **201.152 – Insurance Benefits**

- (A) The Plan - It is the policy of the County to maintain an insurance benefit plan (the “Plan”) for employees which may include, but is not limited to, the following group coverages: health/medical; life; dental insurance; and other group insurances that may become available through action of the Board. The Plan shall be available to employees scheduled to work a minimum of 30 hours per week and shall not be available to employees appointed to temporary, emergency, seasonal, or intermittent positions. The Board shall determine annually the County paid portion of the Plan.
- (B) Qualified Employees – The County will pay 75% of the employer’s portion for employees scheduled to work a minimum of 30 hours per week but less than 37.5 hours per week. Employees who work 37.5 hours per week, or more, are considered full-time for Plan benefits (100% of employer’s portion).
- (C) Waiver of Coverage - An employee may request a waiver to be excluded from certain types of coverage if the employee is covered through a similar employment benefit of a spouse or significant other.
- (D) Start Date - New Employees are required to obtain and return application forms related to insurance benefits within five working days from the first day of employment. Enrollment in the selected insurance plan shall begin on the first day of the next month following the employees first full month of employment. (amended 4-10-07)
- (E) Termination of Coverage –
  - (1) Coverage under the Plan terminates with the termination of employment or the last day of the month for which the premium is paid by the County. Said termination of coverage depends on the

various contracts with insurance providers. Certain types of coverage may be continued at the employee's expense for the period allowed under federal law known as COBRA. Terminating employees are required to notify the Human Resources Coordinator of their intent to continue coverage under COBRA.

- (2) Employees who have a minimum of 8 years of continuous service or elected officials who have served 2 full terms with the County may extend health insurance coverage until Medicare coverage is available, only if the employee pays the full premium.
- (3) (added 1-27-09) In accordance with MN Statute 471.61, as amended, the County must allow a former employee and the employee's dependents to continue to participate indefinitely in the employer-sponsored hospital, medical, and dental insurance group that the employee participated in immediately before retirement, under the following conditions:
  - (a) The continuation requirement of this subdivision applies only to a former employee who is receiving a disability benefit or an annuity from a Minnesota public pension plan other than a volunteer firefighter plan, or who has met age and service requirements necessary to receive an annuity from such a plan.
  - (b) Until the former employee reaches age 65, the former employee and dependents must be pooled in the same group as active employees for purposes of establishing premiums and coverage for hospital, medical, and dental insurance.
  - (c) A former employee may receive dependent coverage only if the employee received dependent coverage immediately before leaving employment. This subdivision does not require dependent coverage to continue after the death of the former employee.
  - (d) Coverage for a former employee and dependents may not discriminate on the basis of evidence of insurability or preexisting conditions unless identical conditions are imposed on active employees in the group that the employee left.
  - (e) The former employee must pay the entire premium for continuation coverage. A unit of local government may discontinue coverage if a former employee fails to pay the premium within the deadline provided for payment of premiums under federal law governing insurance continuation.

(f) An employer must notify an employee before termination of employment of the options available under this subdivision, and of the deadline for electing to continue to participate.

(g) A former employee must notify the employer of intent to participate within the deadline provided for notice of insurance continuation under federal law. A former employee who does not elect to continue participation does not have a right to reenter the employer's group insurance program.

(h) A former employee who initially selects dependent coverage may later drop dependent coverage while retaining individual coverage. A former employee may not drop individual coverage and retain dependent coverage

#### **201.153 – Health/Medical Insurance**

- (A) Single coverage medical insurance is provided for full-time employees.
- (B) Depending on the nature and components of the health/medical insurance plan and the contracts with various insurance underwriters and providers, optional coverage for dependents may be included. Employees electing dependent coverage shall pay their share of the premium as determined annually by the Board.
- (C) Employees will meet with the Human Resources Coordinator to discuss the options outlined below.

#### **201.154 - Insurance Plan Options**

(A) The County has adopted the Consumer Directed High Deductible Plan (CDHP) model with two options as offerings to employees. This CDHP model includes two facets of the overall coverage; the choice of an insurance plan based on costs of deductibles and premiums and the type of health care savings arrangements.

- (1) The first insurance option is the 831 Plan. This plan has a lower deductible and a higher premium. The second insurance option is the 860 Plan which has a higher deductible and a lower premium.
- (2) The health care savings arrangements include:
  - (a) The VEBA which has limitations in that it can only be used for medical expenses (including after retirement), the employee cannot make additional contributions, and

it cannot be transferred to heirs (only dependents) upon the death of the employee.

- (b) The other option is the Health Savings Account (HSA) that can be used for other expenses after the employee is 65 (withdrawals for non-medical expenses will be taxed), the employee can make additional contributions to the account, and it is available to heirs.

(B) Employees who choose the 831 insurance plan will have the VEBA health care savings arrangement. Employees choosing the 860 insurance plan can choose either VEBA health care savings arrangement or the HSA health care savings arrangement.

(C) Eligibility – All qualified non-union employees, and others as provided for in their collective bargaining agreements, are eligible to receive employer contributions to their individual health care savings arrangements.

- (1) If the employee is eligible to participate, the County will make an annual contribution to the individual's VEBA or HSA in accordance with the following schedule:

- (a) 50% of the 831 or 860 plan deductible for each eligible employee who elects single coverage; and
- (b) 50% of the 831 or 860 plan deductible for each eligible employee who elects family coverage.
- (c) If an employee chooses the 860 single coverage plan with the lower premium, the difference between the amount of the 860 plan premium and the higher, 831 single coverage premium will be added to the employee's VEBA or HSA.  
[example: if the 860 plan premium is \$100 and the 831 plan premium is \$125, the County will add the difference of \$25 to the VEBA or HSA of the employee choosing the lower premium]

(D) Effects of Termination of employment

- (1) Single Coverage- The County pays insurance premiums one month in advance of insurance coverage. The County will pay the Employer portion of the insurance premium for the month that the employee terminates employment. This will allow coverage through the following month. [Example: Employee terminates on September 5<sup>th</sup>; the County will pay the insurance premium in September for October's insurance coverage. The employee is covered until October 31<sup>st</sup>.]

- (2) Family Coverage- The County pays insurance premiums one month in advance of insurance coverage. The County will pay the Employer portion of the insurance premium for the month that the employee terminates employment. The employee must contact the

Human Resources Coordinator to discuss payment for the Employee's portion of insurance premium. This will allow coverage through the following month. [Example: Employee terminates on September 5<sup>th</sup>; the County will pay their portion of the insurance premium in September for October's insurance coverage. The employee must make arrangements to cover their portion of insurance premium in order to be covered until October 31<sup>st</sup>.]

- (E) Administrative Fee – Administrative fees allocable to individual VEBA or HSAs of active employees shall be paid by the County. Administrative fees allocable to VEBA and HSAs of former employees, including retirees, shall be paid from that individual's personal account.
- (F) The policies and procedures outlined herein are not intended to create any contractual rights or duties, and will be applied at the County's discretion. Although contributions made to the employee VEBA or HSA are irrevocable, the County may amend or terminate its contributions policy at any time.
- (G) Annually there will be an open enrollment period. At this time employees are able to change insurance plans. In addition to open enrollment, exceptions that allow you to change insurance plans throughout the year include qualifying life events such as birth, death, marriage, divorce and other possible events. Contact the Human Resources Coordinator for a complete list.

#### **201.155 - Life Insurance**

- (A) The County provides a \$20,000 term life insurance policy for all qualified employees. Life insurance for the employee's spouse and dependents, as well as increased coverage amounts, is optional at the employee's expense.

#### **201.156- Dental Insurance**

- (A) All qualified employees of the County are covered by dental insurance. Dependent coverage is available at employee expense.
- (B) (added 1-27-09) The County will reimburse 50% of a qualified employee's annual dental insurance deductible up to a maximum reimbursement of \$25 per year. No dental insurance deductible reimbursement will be provided for dependent coverage.

#### **201.157 – Other Benefits**

- (A) Flexible Spending Account - The County has a Flexible Spending Account (FSA) integrated into the Plan. The FSA plan is for employees who choose to



pay for certain medical and day care expenses on a pre-tax basis. The employee must declare the amount he/she wishes to pay on a pre-tax basis each year. The total amount declared by the employee will be withheld equally from each paycheck.

- (1) If at the end of the year the employee's actual expenses are less than the estimated expenses, the employee shall forfeit those funds.
  - (2) Upon termination, resignation or retirement, the employee must contact the Human Resources Coordinator to discuss their account balance.
- (B) Deferred Compensation Plan - Each employee has the option of participating in one of the Qualified Deferred Compensation Plans offered.
- (C) (amended 4-22-08) Employee Wellness and Recognition Program - Minnesota Statute 15.46, Minnesota State Auditor Position 2007-1006 and IRS Guidelines provide that employee wellness and recognition programs may be established and operated and that the county may expend funds as necessary to achieve the objectives of the program. The County Wellness and Recognition Program shall be as follows:
- (1) Annual Employee Recognition Event - The County shall hold an annual employee recognition event, consisting of a dinner and awards presentation, with the objective being to recognize the dedication and achievements of its employees and elected officials. All County employees and elected officials, with the exception of seasonal and temporary part-time employees, are entitled to attend this annual event without cost (including Courts, Probation, SWCD and Countryside Public Health). Spouses and significant others shall also be invited to attend at their own expense. There will be no travel reimbursement or payment for alcoholic beverages.
  - (2) Recognition Awards
    - (a) Recognition awards will be given to employees and elected officials in five-year increments starting with the completion of 20 years of service with the county. The objective of recognition awards is to recognize the longevity of certain employees and officials. Recognition awards are limited to non-cash/non-negotiable items of nominal value for the specific recognized employees or elected officials. All awards shall be marked in such a manner to discourage resale by the recipient.
    - (b) The milestones to be recognized are years 20, 25, 30, 35, 40 and 45. The employee will have met the anniversary date at some point during the previous year. This does not include

Leaves of Absence, but is calculated from your initial start date through continuous employment status. The award to be given should be in the following categories:

- For year 20 – a jacket
- For year 25 – Silver (knife/charm)
- For year 30 – a timepiece (watch/clock)
- For year 35 – wood or crystal
- For year 40 – gold jewelry
- For year 45 – diamond

To determine the amount to be spent, calculate the number of years times two dollars (i.e. 20 years of service x \$2 = \$40 gift). Awards should be determined early enough for employees to choose their gift, provide their size, pick a color, etc.

(c) The total funds designated by the Board will be sufficient to provide for a meal for each employee who attends the event AND the recognition awards. If this is not possible, the planners must consult with the County Administrator for resolution of the problem.

(3) Retirement Reception – Light refreshments (i.e. coffee and cake) may be purchased by the county to serve at a reception that is held to recognize employees and elected officials who are retiring. The objective of such a reception is to recognize the longevity and dedication of these employees and elected officials.

(4) Other Recognition Events - The Board may approve other recognition events as appropriate. An example would be recognition of accomplishments related to a specific program, work unit or project.

(5) Wellness Program – The Board may establish wellness programs with the purpose of creating healthy worksites within the County, developing and implementing County goals and objectives related to employee wellness, and developing specific wellness programs for the County as a whole, not for individual employees (added

9-25-12)

## **201.200**

### **Employee Safety and Welfare**

#### **201.201 - Employee Suggestions**

- (A) Employees are encouraged to submit suggestions to their Supervisor, Department Head, County Administrator, or Commissioner for improving the efficiency and effectiveness of County government. If so requested by the employee making the suggestion, the suggestion will be handled in a confidential manner.

#### **201.202 - Safety**

- (A) The County shall at all times provide the safest working conditions possible. It is the duty of each Department Head to provide employees applicable safety information developed by the County Safety Committee.
- (B) The County shall provide the proper tools and equipment necessary for a safe work environment. It shall be the duty and responsibility of each employee to operate and use all tools and equipment in a safe and careful manner. Each employee shall be responsible to insure that all safety equipment and rules are used and followed at all times and it shall be the employee's responsibility for insuring that he or she is familiar with the safe and proper use of any tool or piece of equipment before its use. Any employee who has a question concerning a safety practice should inquire of their Supervisor.
- (C) The County will comply with all provisions of "Employee Right to Know" legislation and will provide the required technical and health related information regarding hazardous substances in the workplace according to the specified procedures in the act.
- (D) Every County building will conduct at least one fire drill and one tornado drill annually. The tornado drill will coincide with tornado education week.
- (E) All employees are responsible for complying with all the provisions of the County's safety manual and for reporting any unsafe conditions.

#### **201.203 - Accidents or Loss of License**

- (A) If an employee sustains an on-the-job injury or causes damage to County owned equipment or to public or private property while on duty, the employee shall immediately report the facts of the incident to their Supervisor. The Supervisor shall first secure medical aid for the injured employee and then promptly file all required injury reports with the Human Resources Coordinator. Employees shall cooperate and provide

information regarding the incident.

- (B) If, while operating a County vehicle or a privately owned vehicle in the performance of official County business, an employee is involved in an accident resulting in personal injury or property damage, the employee shall immediately notify their Supervisor. The Supervisor shall first secure medical aid for the injured employee and then promptly file all required injury reports with the Human Resources Coordinator. Employees shall cooperate and provide information regarding the incident.
- (C) Employees who drive or operate County vehicles and/or equipment must notify their Supervisor immediately if their driver's license is revoked, lost, stolen, cancelled, or suspended.

**201.204-** Tobacco Use Policy (including but not limited to the smoking of any tobacco product, smokeless tobacco and e-cigarettes)

- (A) Tobacco use is prohibited within twenty (20) feet of county buildings, unless there is a designated location at that particular building.
- (B) Tobacco use is prohibited in County owned shared vehicles.

## 201.250

### Vacation and Leaves

#### 201.251 – Qualified Employees

- (A) Permanent, full-time employees are qualified for all vacation and leave benefits.
- (B) Temporary/seasonal employees and non-scheduled part-time employees are not entitled to any type of leave (sick leave, vacation leave, jury or court leave, education leave, bereavement leave) or holidays with pay.
- (C) Permanent, scheduled, part-time employees earn prorated vacation and sick leave depending on their normally scheduled hours, i.e. half-time employees earn half the listed amount of vacation or sick leave, etc.

#### 201.252 - Vacation

- (A) All permanent, full-time employees accrue vacation at the rate listed below based upon their years of service:

<u>Years</u>	<u>Days/Month</u>	<u>Days/Year</u>
0 thru 5	1	12 Days
6 thru 10	1 ¼	15 Days
11 thru 15	1 ½	18 Days
16 thru 20	1 ¾	21 Days
21 and over	2	24 Days

Accruals will be determined according to the pay period schedule.

- (B) Employees will begin accruing vacation immediately. The accrual amounts are reported on the employee's pay stub.
- (C) Vacation Authorizations.
  - (1) Employees are encouraged to take vacation annually. Requests for vacation shall be submitted by the employee to the appropriate Supervisor/Department Head reasonably in advance of the requested period.
  - (2) Employees shall be given the opportunity to select vacation periods insofar as is practical.
  - (3) The Supervisor/Department Head shall advise the employee within a reasonable time after the request is made as to whether the requested vacation can be taken at the time desired.
- (D) Vacation leave shall not be taken in excess of hours accrued.
- (E) The maximum carryover of vacation leave allowed at calendar year end is

240 hours. Lost hours will not be compensated. Accruals will be determined according to the pay period schedule. When a pay period crosses two calendar years, accruals will be pro-rated for days that fall within the prior calendar year and the days that fall in the current calendar year. Employees are responsible for managing their accrual balances. Employees may contact the Human Resources Coordinator for assistance in calculating accrual balances.

- (F) Any employee leaving County employment in good standing, after giving proper notice of such termination, shall be compensated for vacation leave accrued and unused to the date of separation at their regular rate of pay. One hundred percent (100%) of such compensation shall be paid into the employee's VEBA account/Health Savings Account as per law. Employees may also choose to take their vacation at the end of their employment (terminal leave). If terminal leave is taken, benefits shall continue during the period of terminal leave and employees do not need to return to work prior to their official termination date. (amended 6-26-07)
- (G) Vacation must be taken in ¼ hour increments. (added 11-28-06)
- (H) Promotional and transfer employees on probationary status may continue to use their accrued benefits.

#### **201.253 - Holiday Leave**

- (A) The following are the official County holidays for all County employees, except as otherwise provided herein:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 <sup>th</sup>
One Floating Holiday per calendar year (amended 9-25-07)	

- (B) Additionally, County offices will close at noon on Good Friday and Christmas Eve when Christmas Eve falls on a Monday thru Thursday. This will be considered holiday time.
- (C) Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. When it falls on a Sunday, the following Monday shall be observed. When a holiday falls within a period of paid leave (i.e.

vacation, sick leave, overtime, etc.) the employee shall be paid at their normal rate of pay for the holiday provided the employee is on compensated payroll status the last assigned work day preceding the holiday and the first assigned work day following the holiday. The holiday shall not be subtracted from the accrued leave.

- (D) When an employee is required to work on any of the above-named holidays, the employee shall be credited for the holiday time and the time worked.
- (E) Permanent, full-time employees will receive one (1) day's pay for a holiday. Permanent, part-time employees will receive prorated holiday pay based upon their normally scheduled hours.
- (F) Probationary employees shall be eligible to use a floating holiday. Requests to use a floating holiday shall be submitted by the employee to the appropriate Department Head reasonably in advance of the requested period. The Department Head shall advise the employee within a reasonable time after the request is made as to whether the requested floating holiday can be taken at the time desired. (amended 9-25-07)

#### **201.254 - Sick Leave**

- (A) Permanent, full-time employees are eligible for sick leave benefits on the basis of one day per month. For the purpose of accruing sick leave, employees starting employment before the 15<sup>th</sup> of the month shall be considered to have started on the first of the month and employees starting on the 15<sup>th</sup> of the month or after, shall be considered to have started on the first of the next month.
- (B) Probationary employees shall earn sick leave benefits as set out herein and may use such benefits during their probationary period.
- (C) Sick leave with pay shall be granted for the following reasons: Personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal attention; enforced quarantine of the employee in accordance with community health regulations; childbirth or pregnancy disability; or an appointment with a doctor, dentist, chiropractor, optometrist, or other medical professional.

As per Section 1. Minnesota Statutes 2014, section 181.9413, is amended to read:

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, as defined in section 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or

stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) An employee may use sick leave as allowed under this section for safety leave, whether or not the employee's employer allows use of sick leave for that purpose for such reasonable periods of time as may be necessary. Safety leave may be used for assistance to the employee or assistance to the relatives described in paragraph (a). For the purpose of this section, "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. For the purpose of this paragraph:

(1) "domestic abuse" has the meaning given in section [518B.01](#);

(2) "sexual assault" means an act that constitutes a violation under sections [609.342](#) to [609.3453](#) or [609.352](#); and

(3) "stalking" has the meaning given in section [609.749](#).

(c) An employer may limit the use of personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child, as defined in section 181.940, subdivision 4.

(d) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(e) For the purpose of this section, "child" includes a stepchild and a biological, adopted, and foster child.

(f) For the purpose of this section, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

(g) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section.

(h) An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section.

(D) In order to be eligible for sick leave with pay, an employee must report promptly to the Supervisor, Department Head or County Administrator the reason for their absence.

(E) Sick leave of up to three (3) days, for minor illnesses, may be allowed by the Department Head without a doctor's certificate. The Department Head shall be kept informed of the employee's condition if the absence is of more than three days duration. The employee shall submit a doctor's



certificate if required by the Department Head. Department Heads who are absent for three or more days shall report to the County Administrator. If any employee is absent for more than five (5) days, or the illness is determined to be more severe, the Department Head and/or employee must contact the Human Resources Coordinator.

- (F) Claiming sick leave when physically fit, except as permitted in this section, will be cause for disciplinary action.
- (G) While an employee is using earned sick leave, vacation time, or drawing Workman's Compensation payments, the employee shall be considered to be working, for the purpose of accumulating additional sick leave or vacation time.
- (H) Sick leave taken shall not be taken in excess of the hours accrued and must be taken in  $\frac{1}{4}$  hour increments. (added 11-28-06)
- (I) If the Supervisor determines that an illness is impairing an employee's performance, the Supervisor may require the employee to use paid or unpaid leave.
- (J) If requested by the employee, and approved by their Supervisor, compensatory time or vacation leave may be used in lieu of sick leave.
- (K) An employee who has exhausted sick leave, and has not accrued compensatory or vacation time, may be granted leave without pay if their Supervisor approves. The Supervisor may require the employee to obtain a certificate of illness from a licensed medical professional prior to granting such approval.
- (L) No employee shall be allowed to accumulate more than one hundred twenty (120) working days of sick leave. The number of hours will vary based on the employee's hours worked per week. Each December, the Employer shall convert the hours over the maximum and transfer that amount into the employee's VEBA or Health Savings Account according to the following:
  - Employees with at least ten (10) years of service shall have twenty-five (25) percent of the total over the maximum placed into their VEBA or Health Savings Account.
  - Employees with at least fifteen (15) years of service shall have thirty (30) percent of the total over the maximum placed into their VEBA or Health Savings Account.
- (M) Accrued Sick Leave.
  - (1) Upon retirement or termination of employment, in good standing, with at least five (5) full years of service, employees are entitled to receive pay for their accrued sick leave as severance pay, according to the following schedule:

<u>Completed Years of Service</u>	<u>Percentage</u>
5 - 7	10%
8	15%
9	20%
10 - 14	25%
15-19	30%
20-24	35%
25+	40%

- (2) One hundred percent (100%) of sick leave severance pay will be paid to the Employee's VEBA account or Health Savings Account.

- (N) Additional information can be found in Section 201.263 regarding the Family Medical Leave Act (FMLA).

#### **201.255 - Coordination of Leave with Workers' Compensation**

- (A) An employee receiving sick leave with pay and simultaneously receiving compensation under the Workers' Compensation Act shall, for the duration of compensation under the Workers' Act, receive only that portion of regular salary which will, together with said compensation, equal their regular net salary. Sick leave shall be charged accordingly. Use of Workers' Compensation benefits will be coordinated with the Minnesota County Intergovernmental Trust (MCIT).
- (B) Payment Delays
- (1) If Workers' Compensation is delayed in payment, the employee shall receive payment equal to his or her regular pay. The amount later paid by Workers' Compensation for such period shall be reported to the Human Resources Coordinator who shall withhold the same amount from the employee's wages.
- (2) No such payments shall be charged against accumulated sick leave.
- (3) These payments shall be made until the first of the following occurs:
- (a) the expiration of a period consisting of the number of days equal to one (1) day for each full month of county employment; OR
  - (b) Workers' Compensation wage benefits terminate; OR
  - (c) the end of 180 calendar days from the date of disability.
- (4) Such differential wage payment shall be payable to the employees only during their lifetime and shall not inure to the benefit of any dependents or heirs.

## **201.256 - Bereavement Leave**

- (A) Every full-time, permanent employee is eligible to receive a bereavement leave with pay of three (3) consecutive working days in the case of the death of a family member. For purposes of this section only, family may include the employee's spouse, brother, sister, children, children's spouse, mother, father, grandparent, and grandchild, or the child, grandchild, mother, father, sister, or brother of the employee's spouse. A person identified in an employee's personnel file as "in a similar role" shall also be included. The employee's Department Head may grant up to two additional days of bereavement leave when extenuating circumstances arise. In these situations, the employee's Department Head may allow the use of up to five days of sick leave in addition to the above.
- (B) Permanent, part-time employees will receive prorated bereavement leave based upon their normally scheduled hours.
- (C) Bereavement leave shall not be chargeable to any accrued leave account. Bereavement leave will be treated as an approved holiday for pay purposes.
- (D) Use of Sick Leave.
  - (1) Sick leave may be utilized upon the occasion of the death of someone other than the employee's family.
  - (2) Such time shall be charged against the employee's accumulated sick leave.
  - (3) Up to one day of sick leave may be used for each such occasion but no more than three (3) such leaves may be granted in a year.
- (E) Donated Leave
  - (1) There may be times when an employee is in need of more days of leave than the above policy allows. In those situations, the Department Head and/or Supervisor may approve the use of donated leave from co-workers to extend the amount of leave days.
  - (2) The process for donating leave is outlined in Section 201.264.

## **201.257 - Unauthorized Absence**

- (A) Any unauthorized absence of an employee may result in disciplinary action. An employee who is absent for three (3) consecutive days, without notice to their Supervisor, may be considered to have voluntarily resigned. If the Supervisor determines that extenuating circumstances existed, the absence may be charged to leave, with or without pay, at the discretion of the Department Head.

#### **201.258 - Jury or Court Leave**

- (A) Permanent, full-time and part-time employees shall be granted time off with pay when performing jury duty, when subpoenaed as a witness before any court of law in a case involving the County, or when appearing before any court of law as a defendant in a civil action arising from the employee's job with the County. Any money, except for travel expense, granted to an employee serving on jury duty shall be remitted to the County. An employee released from jury duty before the end of their normal workday shall return to work. Temporary employees will be given time off for jury or court duty without pay.

#### **201.259 – Unpaid Leaves of Absence**

- (A) Leaves without pay of five (5) days or less may be granted by the Department Head.
- (B) Leave without pay of greater than five (5) days may be granted to an employee with the written approval of their Department Head and action by the Board. A written request shall be made by the employee to their Supervisor for leave without pay. The Board may extend such leaves up to a maximum of one (1) year, if circumstances warrant such action.
- (C) No vacation, holiday, or sick leave shall apply or be accrued during a leave without pay, nor shall any sick leave be granted to employees on unpaid leave.
- (D) Education/sabbatical leaves are considered unpaid leaves.
- (E) The County may temporarily fill a position during an employee's period of leave without pay.
- (F) Fringe benefits shall not accrue during a period of leave without pay, nor will the County make any contributions during such a period to retirement or group insurance programs. However, qualified employees may participate in the group insurance programs during such periods, provided the employee deposits, in advance with the County, the amounts necessary to cover the total cost of the premiums for each month of the leave period.
- (G) Anniversary dates shall be adjusted (extended) to reflect any non-compensated absences taken.

#### **201.260 - Military and Emergency Leaves**

- (A) Subject to the provisions of Minnesota Statutes Section 192.26, a full-time, permanent employee who is a member of the National Guard or Reserve Forces under State or Federal law shall be given up to fifteen (15) days annual military leave.
- (B) If the employee is required to continue with military service beyond the time for which leave with pay is allowed, they shall be entitled to leave without pay.

#### **201.261 - Emergency Services Volunteer**

- (A) For the purpose of this policy, emergency services include fire departments, ambulance services, first responder services, Red Cross, and the Salvation Army.
- (B) County employees who respond, as volunteers, to provide emergency services during regular working hours will not be penalized for their response provided they have previous permission from their Department Head or Supervisor. The employee is allowed to respond to an emergency call and is expected to return to work when the emergency is over. The employee will be paid by the County for their normal work hours. No overtime will be authorized. Any additional volunteer work must be done after regular working hours or approved as vacation time. Department Heads and/or Supervisors may impose additional restrictions.
- (C) Department Heads may limit participation if County needs dictate an employee's presence, responses have been too frequent or time consuming, or employees have abused their response privilege. Abuse may result in disciplinary action.

#### **201.262 - Suspension of Paid Leave**

- (A) The County reserves the right to postpone all leaves for an employee, or recall an employee from paid leave, in the event of an emergency, except during a period of authorized sick leave.

#### **201.263 – Family Medical Leave Act of 1993**

- (A) The Family Medical Leave Act is intended to balance the demands of the work place with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It is intended to benefit employees as well as employers by providing up to 12 weeks of unpaid, job protected leave for the birth of a child, adoption, foster care and certain family and medical

reasons. The Family Medical Leave Act (FMLA) went into effect in August 1993.

- (B) Eligible employees are those who have:
  - (1) Been employed by the County for at least 12 months; and
  - (2) Have worked a minimum of 1250 hours within the previous 12 month period.
- (C) FMLA Leave will be granted to an eligible employee for any of the following reasons:
  - (1) For incapacity due to pregnancy, prenatal medical care or child birth;
  - (2) To care for their child after birth, or placement for adoption or foster care;
  - (3) To care for their spouse, son, daughter or parent, who has a serious health condition; or
  - (4) For a serious health condition that makes an employee unable to perform their job duties
- (D) A serious health condition is defined as any illness, injury, impairment, or physical or mental condition that requires:
  - (1) Inpatient care in a hospital, hospice, or residential medical care facility;
  - (2) Prenatal care;
  - (3) Any period of incapacity requiring absence from work, school, or other regular activities, of more than three calendar days that also involves continuing treatment by, or under the supervision of, a health care provider; or
  - (4) Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated would likely result in a period of incapacity or more than three calendar days.
- (E) The length of FMLA leave is not to exceed 12 weeks in any 12 month period. The entitlement to FMLA leave for the birth or adoption of a child expires 12 months after the birth or adoption of a child.
- (F) The leave year is the calendar year. The employee must give the county at least 30 days advance notice if the leave is foreseeable. If leave must be taken in less than 30 days, the employee should give as much notice as is practicable. Employees must notify the Human Resources Coordinator so they can determine eligibility for FMLA.
- (G) The employee must provide medical certification if the leave is for the serious health condition of a child, spouse, parent, or the employee.

- (H) If the Medical Leave is taken due to an employee's own serious health condition, a fitness-for-duty certificate from a health care provider will be required prior to reinstatement. (added 5-12-09)
- (I) Employees must use FMLA for all qualifying events up to the twelve (12) week maximum. If an employee needs additional time off in the same calendar year, they must contact the Department Head and Human Resources Coordinator to discuss other leave options.
- (J) Employees are allowed to use paid or unpaid leave (or a combination of both) during FMLA. If taking unpaid leave, employees must contact the Human Resources Coordinator to discuss payment, if applicable, for the Employee's portion of insurance premiums or other benefit deductions. Employees will also be responsible for reimbursing the County for the Employer paid portion of dental and life insurance during unpaid time.
- (K) No vacation, holiday, or sick leave shall be accrued during a leave without pay.
- (L) Steps awarded under any established pay plan will be awarded on the Employee's anniversary date. Anniversary dates will be adjusted (extended) to reflect any non-compensated absences taken. Vacation anniversary dates will also be adjusted (extended) to reflect any non-compensated absences taken.
- (M) Military Family Leave Entitlements (added 5-12-09)
  - (1) Military Exigency Leave - Eligible employees with a spouse, son, daughter, or parent (covered member) on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include short-notice deployment, attending certain military events and related activities, arranging for alternative childcare, school activities, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, attending post-deployment reintegration briefings and related activities and additional activities agreed to by the employer and employee.
  - (2) Military Caregiver Leave - FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on

the temporary disability retired list. Covered service members do not include retired members or members on a permanent disability list. This provision also extends FMLA protection to next of kin to an employee (next of kin being the nearest blood relative to that employee).

- (N) The County complies with current FMLA regulations; therefore employees must consult with the Human Resources Coordinator to assure compliance is according to the most recent law.

**201.264 – Return to Work Program Policy**

- (A) The County deems it advisable to formulate a Return to Work Program Policy. This policy shall apply to all employees who are injured during on-duty hours while working for the County or a non-work related illness/injury.
- (B) This policy is applicable when an employee encounters an illness or injury. It is developed in order to ensure that employees who have an illness or injury receive medical treatment and to verify their ability to return to work and/or to continue work and any work restrictions.
- (C) This policy affirms the County's policy of providing employees with assistance in recovering from an illness or injury. Assistance will be given in accordance with all the regulations of local, state, and federal agencies and business needs of the agency.
- (D) The County will commit the necessary time and resources, human as well as financial, in order to ensure that the Return to Work Program Policy is both efficient and effective.
- (E) Provisions may be allowed for employees who will be unable to return to their regular job duties. Light-duty jobs are to be planned before the event occurs, if possible and at the discretion of the department head or supervisor. Light-duty jobs may be used as an alternative to return the injured employee to work.

**Employee Responsibilities:**

1. Notify supervisor/department head of injury or illness.
2. Notify Human Resources to complete appropriate paperwork.
3. Prior to their return to work, submit the following documentation to Human Resources
  - ◇ Changes in return to work dates from medical appointment;
  - ◇ When restrictions change; and
  - ◇ Until there are no restrictions or when the doctor determines the restrictions are permanent.



#### Supervisor/Department Head Responsibilities:

1. If employee sustains work-related injury, complete a First Report of Injury form and submit to Human Resources the same workday period. For non-work related illness/injury, contact Human Resources to determine if medical leave is necessary.
2. Upon employee's return to work with restrictions, identify jobs which may be performed by employees (see section E above).
3. Maintain communication with the injured employee and Human Resources.
4. Maintain contact with the employee upon return to work to ensure that the employee only performs work activities which do not violate the physician restrictions. Contact Human Resources if there are questions regarding restrictions.

#### Human Resources Coordinator Responsibilities:

1. Communicate with the supervisor/department head, the employee, the workers comp insurance company, and the physician as needed.
2. Provide assistance in the development of possible light-duty jobs.
3. Maintain and update appropriate documentation.

#### **201.265 – Donation of Leave**

- (A) Purpose –The County believes that reasonable measures should be taken to provide an opportunity for employees who wish to do so, to be able to donate accrued leave to other employees who have exhausted, or are expected to exhaust, their sick or bereavement leave, and all but 40 hours of their vacation time. Leave shall only be donated to an employee for use as sick or bereavement leave. Leave may not be donated to an employee for use as vacation leave. (amended 10-13-15)
- (B) Effect on Accrued Balances –The County will subtract the hours (not the dollar value) of donated leave from the accrued balances of the employee making the donation and credit those hours to the requesting employee. Once a donation is made, it is irrevocable.
- (C) Employees must donate one hour of vacation or overtime leave for every three hours of sick leave donated.
- (D) Leave may be donated to extend bereavement leave, with the approval of the applicable Supervisor.
- (E) Employees may donate accrued leave to any other employee by submitting a written request to the County Administrator. (amended 9-25-07)
- (F) Donation of leave can be requested for anyone covered under the County Sick Leave Policy (section 201.254).

**201.266 - Personal Business Leave**

- (A) Department Heads may authorize time off with pay for an employee to conduct personal business.
- (B) Said leave shall not exceed one (1) hour and shall not be granted more than four (4) times in one (1) year, except for unusual circumstances.

## **201.300**

### **Employee Orientation and Evaluation**

#### **201.301 - Employee Orientation**

- (A) The Human Resources Coordinator will provide new employee orientation on the employee's first day of work or as soon after as possible. The Human Resources Coordinator will ensure that the new employee completes the required forms before starting their work duties. Orientation shall include pay plans, personnel rules, fringe benefits, safety procedures, necessary employment forms, and any other policies or programs which may effect the person's employment. Orientation will be provided on an ongoing basis as policies and procedures are created or revised. (amended 11-28-06)

#### **201.302 - Performance Evaluations**

- (A) Performance evaluations are an integral part of the overall performance management process and, as such, are part of a process to align the activities, goals, and objectives of the employee with the goals and objectives of the County.
- (B) Only authorized evaluation forms shall be used. These forms are available from the County Administrator or through the Human Resources Department.
- (C) All appointed County employees will receive a formal evaluation annually during the month of their employment anniversary. If for any reason an employee or their Supervisor is unable to schedule a time during the anniversary month for the evaluation, it shall be completed as soon as possible after the anniversary. Step movement shall occur on the employee's anniversary date unless the employee receives an unsatisfactory evaluation for that rating period. (amended 10-23-07) Anniversary date is defined as one (1) calendar year following the employee's appointment date at present position. Anniversary date may change due to any unpaid leaves of absences.
- (D) Employees will be evaluated by their immediate Supervisor. The County Administrator will be evaluated by the Board.
- (E) Employees who are dissatisfied with their evaluation may appeal in writing to their immediate Supervisor's evaluator within 10 business days of their evaluation. If they are still not satisfied, they may appeal to the next highest level of supervision. Once a level is reached where the Board would be the next highest level, the Appeals Board will hear the appeal.

- (F) The Appeals Board will be comprised of the County Administrator and two County Commissioners (appointed on an annual basis). Appeals must be in writing stating the specific ratings and/or statements being appealed and filed with the County Administrator within 10 business days of their evaluation or last appeal decision. The Appeals Board will schedule a time and date within 30 days of the filing to meet with the employee and consider their appeal. Employees may present whatever documentation, testimony, and/or witnesses that are relevant to their appeal. The Appeals Board will respond to the appellant with their decision within 5 business days of their meeting. Decisions of the Appeals Board are final. There is no appeal procedure for the Administrator.
- (G) Completed evaluations will be submitted to the Human Resources Coordinator for inclusion in the employee's permanent personnel record.

## **201.350**

### **Employee Development**

#### **201.351 - Training Opportunities**

- (A) Employees will be given the opportunity to develop their work skills through continuous training so they can improve their contribution to the County.
- (B) County Initiated Training
  - (1) When the employee attends a seminar, training program, or school at the request of their Supervisor, authorized expenses incident to the training shall be borne by the County. Training expenses are also reimbursable to the employee for all training mandated by the County or by law for the employee to maintain or improve skills required for the position held.
- (C) Training or Schooling Requested by the Employee
  - (1) Employees may request to attend training not initiated or required by the County. The employee and his/her Supervisor shall develop a request that takes into consideration the actual cost of the training in addition to the employee's salary for the duration of the training, travel and reimbursement expenses. If the Supervisor feels the training is of benefit to the County and the cost is reasonable, the request will be sent to the Department Head for approval. Denials may be brought to the County Administrator for review.
  - (2) At the request of the Supervisor an advance may be issued in an amount estimated to cover the projected costs associated with said training.

## **201.400**

### **Employment Practices**

#### **201.401 - Policy Statement**

- (A) It is the policy of the County to recruit and select the best qualified persons for positions within the County. The recruitment and selection process shall provide fair and equal opportunity for all qualified applicants. If the position falls under a collective bargaining agreement, and all relevant job qualifications are equal, first consideration will be given to a current employee within the applicable bargaining unit. This policy applies to all positions: seasonal; temporary; permanent; part-time; and full-time, unless specifically waived by the Board.
- (B) The County shall not use an application or any testing process to exclude persons from applying for employment based on sex, race, color, religion, creed, national origin, marital status, sexual orientation, political affiliation, age, status with regard to public assistance, familial status or disability.
- (C) The County is an equal opportunity, affirmative action employer and shall follow all applicable state and federal employment law.

#### **201.402 – Determination of Open Position**

- (A) Departments Heads shall notify the County Administrator when a vacancy exists. The Hiring Committee, made up of two Board members, the County Administrator, the Human Resources Coordinator and the applicable Department Head shall meet to review all position openings and make a recommendation to the Board on replacement of the position and if any changes are needed to the applicable position description. The Board will determine if the position description is appropriate, if the position will be recruited and how the position will be recruited. (amended 11-9-10)

#### **201.403 – Recruitment Protocol (amended 4-22-08)**

- (A) County Application – Applicants for any County position will complete the County job application and related forms as found on the County's web site.
- (B) Internal Recruitment – Position vacancies shall be posted on the official County bulletin board and all employees will be notified via electronic posting for a period of not less than 5 working days or other period of time as stated in a relevant bargaining unit contract. The posting shall include, but is not limited to: 1) title of position, 2) salary scale, 3) a description of the essential responsibilities and duties, 4) immediate Supervisor, 5) the

application deadline, 6) any test to be given and, 7) minimum qualifications. Interested internal applicants shall submit the same paperwork that is required of outside applicants.

- (C) External Recruitment – Announcements for positions shall be placed in job related publications for a period of time necessary to attract qualified candidates, but not less than 10 days. If a Merit System eligibility list exists, with a minimum of three qualified candidates, advertising the position is optional.
- (D) Minnesota Merit System - For any department regulated by the Minnesota Merit System, that Department Head shall adhere to all pertinent regulations during the recruitment process.
- (E) Positions may also be filled as provided for in Policy 201.408 – Promotions, Transfers and Demotions.

**201.404 – Selection Process** –The selection of applicants shall include, but not be limited to, the following:

- (A) Education, Training, and Experience – The Department Head shall review all applications and apply standardized points to each application based on qualifications for the job. Ratings shall be based on a 100-point scale with point values assigned to education, training, and experience prior to advertising the position. Those applicants who do not meet the minimum qualifications shall not be considered. Merit System point values shall apply to Merit System candidates.
- (B) Eligibility List - The Department Head shall be responsible for the creation of an eligibility list of qualified persons. The eligibility list shall be valid for a minimum of 90 days from date of establishment but not more than 1 year.
- (C) Testing – Applicants meeting minimum qualifications may be asked to participate in further testing conducted under the direction of the Department Head. This testing may vary depending upon the position but may include one or more of the following tests: ability; achievement; performance; physical agility; and/or dexterity. The Department Head shall make test scores available to the individual who completes a test. Completed exams and/or answer keys to the exam shall not be provided to any applicant.
- (D) Veteran's Preference - The County shall provide additional points in rating qualified veterans as determined by M.S. 197.455.
- (E) Interview - Upon completion of the rating, and any other testing, the Department Head should offer at least the top 3 candidates an interview. The interview shall be based on the use of structured questions relating to

the responsibilities and duties to be performed in the position. The interview team will include the Department Head, the Human Resources Coordinator, any other direct Supervisor of the position and additional staff as desired.

#### **201.405 – Appointment and Notification**

- (A) The Department Head shall recommend the candidate most qualified for the position to the Board.
- (B) The Department Head may make a conditional offer of employment to the candidate, prior to Board approval, contingent upon formal Board approval. The candidate selected for the position shall be notified in writing of the following information before the first day of work: 1) position offered; 2) anticipated starting date and time; 3) position classification (i.e. exempt/non-exempt, salaried/hourly, part-time/full-time, Department Head, etc.); 4) compensation and any anticipated probationary increases; 5) their immediate Supervisor's name; and 6) any deviation from the personnel policies or collective bargaining agreement.
- (C) All offers of employment are contingent upon successful completion of any required criminal background investigation. Appointments may also be contingent upon the successful completion of a psychological and/or pre-employment physical examination and other background investigation appropriate for the position and consistent with State and Federal laws.
- (D) All applicants must be notified in writing, by telephone or e-mail as soon as practicable after they have been eliminated from consideration for the position.

#### **201.406 – Recruitment and Selection of Department Heads**

- (A) The Chairman of the Board or his designee shall be responsible for following this protocol in the recruitment of the County Administrator position. The County Administrator is responsible for following the protocol when the vacancy is that of an appointed Department Head or equivalent.

#### **201.407 – Types of Appointments**

- (A) Full-Time Appointments - This is an appointment to a position which is computed at a full-time rate and for which all fringe benefits offered by the County are available, as specified in these policies, providing it is also a permanent position. Full-time appointments may be for either 37.5 or 40 hours per week.
- (B) Part-Time Appointments - This is an appointment to a position which is paid at an hourly rate and for which the fringe benefits are not available, except as required by Federal or State law or provided for under sections



201.150 and/or 201.250.

- (C) Permanent Appointment - Appointment to a position that is expected to be on-going.
- (D) Temporary/Seasonal Appointment - Appointment to a position for a specific term, normally a duration of less than one (1) year.

**201.408 – Promotions, Transfers, and Demotions**

- (A) Promotion Policy - Vacancies in positions are encouraged to be filled by promotion of qualified County employees. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.
  - (1) Employees who are transferred or promoted to a higher classification shall move to the step of the higher classification which results in an increase in pay.
- (B) Transfers - An employee may be transferred to a similar position in a different department. An employee desiring to be transferred should make a written request to their Supervisor for consideration when a vacancy occurs. The request must be approved by the current Supervisor, the County Administrator, Department Head and the Supervisor receiving the employee. Transfer of an employee may be permitted when the Supervisor determines that the employee meets the qualifications of the position, that the transfer is in the best interest of the County, and that further training and development of the employee in the new position would be beneficial to the County.
- (C) Demotions - An employee may be demoted to a position of lower grade at the discretion of their Supervisor, subject to the approval of the Board. Reasons for the demotion shall be detailed in a written statement.
- (D) Layoffs - In the event that it becomes necessary to lay off any regular, full-time employees, it will be done in accordance with the seniority of each employee within the job classification. Any regular full-time employee who is laid off shall be given four (4) weeks notice of such action.
- (E) Layoff Hiring - When regular, full-time employees are to be hired in any department, a preference in hiring shall be given to qualified regular full-time employees who have been laid off within a one (1) year period prior to the start of the hiring process.

## **201.409 – Probationary Period**

- (A) All employees, including new, promotional and employees moving to a different classification, will be subject to a standard probationary period. The probationary period is an integral part of the selection process and shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee for the position, and for rejecting any employee whose performance does not meet the required work standards.
  - (1) Newly hired employees shall be on probation for twelve (12) months.
  - (2) Rehired employees shall be on probation for six (6) months.
  - (3) Promotional or transferred employees shall be on probation for three (3) months.
- (B) The Board may terminate an employee at any time during the probationary period. The employee so terminated shall be notified in writing by their Supervisor of the reasons for the termination and shall not have the right to appeal unless they are a veteran, in which case the procedure prescribed in Minnesota Statute 197.46 shall be followed.
- (C) An employee terminated during the probationary period from a position to which they were promoted or transferred shall be placed on a leave of absence without pay. When a vacancy arises in the class from which the employee was promoted or transferred, such employee shall be reinstated to that position.
- (D) At least thirty (30) days prior to the expiration of the probationary period, the employee's Supervisor shall complete and submit an evaluation of the employee, per section 201.302, and place the status change request on the agenda of the next regularly scheduled Board meeting.
- (E) Based upon the performance evaluation, Supervisors shall recommend to the Board that:
  - 1) The employee be appointed to permanent status;
  - 2) The employee be terminated; or
  - 3) The probationary period be extended for another ninety (90) days to allow for further training and/or observation.
- (F) The Board shall act upon the recommendation of the employee's Supervisor at their next regularly scheduled meeting before the conclusion of the employee's probationary period. The Board reserves the right to affirm the Supervisor's recommendation, overturn the recommendation, or modify it in any manner which they deem appropriate.
- (G) In the absence of a Supervisor's recommendation, an employee is deemed to have satisfactorily completed their probationary period.

#### **201.410 – Nepotism Policy**

- (A) No person serving as a member of the Board shall be eligible for employment with the County.
- (B) No Supervisor or elected official shall participate in or vote on decisions related to hiring, retention, promotion, or determination of the salary level of a member of their immediate family. No elected official or employee shall have supervisory responsibility for matters pertaining to audits, financial records, payroll, or inventory of goods and supplies for an immediate subordinate who is a member of their immediate family.
- (C) The foregoing restrictions do not preclude consideration of a relative of an elected official or Supervisor for County employment except as specifically restricted herein. Evidence should be available demonstrating that procedures of the personnel policies were followed during the selection process and that the most qualified person was selected.

#### **201.411 – Compensation**

- (A) The Board may establish pay plans to set employee compensation. Any steps which may be provided under such a plan may only be granted if the overall rating on the employee's most recent performance evaluation is "Meets Expectations." Employees with three (3) or more "Needs Improvement" will not receive an increase. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Unless approved by the Board, no employee shall receive pay from the County in addition to the salary authorized for the position to which they have been appointed.
- (B) Overall salary adjustments for non-union pay plans shall be considered on an annual basis prior to January 1st of each year. The constraints of the County budget will be a consideration in the awarding of salary increases.
- (C) Denial of a salary increase due to work performance requires a special performance evaluation to be completed within sixty (60) days of the denial action. A Performance Improvement Plan will be required to address the performance issue identified.
- (D) Salary increases are made at the sole discretion of the Board.
- (E) When an extended vacancy exists in a Supervisory or Department Head position and an employee is requested to fill that position, the Board, at its discretion, may provide additional compensation. Such consideration should be made by the Board prior to the person assuming these

increased responsibilities. The length of the term should include the starting date and proposed ending date.

- (F) Steps awarded under any established pay plan will be awarded on the Employee's anniversary date. Anniversary dates shall be adjusted (extended) to reflect any non-compensated absences taken.

#### **201.412 – Comparable Work Value**

- (A) Subject to Minnesota Statute 179A.25, but not withstanding any other law to the contrary, the County shall establish equitable compensation relationships as prescribed by Minnesota Statutes 471.991 to 479.999. Compensation of each class of County positions shall be fixed in compliance with the provisions of those statutes.

#### **201.413 – Pay Period**

- (A) The pay period shall be bi-weekly (every other week). Employees shall be paid on the last Friday of a pay period for the previous pay period (positive pay). (amended 1-3-12)

#### **201.414 – Paydays**

- (A) Employees shall be paid bi-weekly on every other Friday. If a payday falls on a holiday, employees shall be paid the first preceding work day (amended 1-3-12)

#### **201.415 – Position Reclassification**

A) Any employee may request an evaluation review for an existing, previously evaluated job by following these steps:

- (1) Request a Position Reclassification Inquiry form by contacting the County Administrator or Human Resources Coordinator.
- (2) Thoroughly read the Position Reclassification Inquiry form and contact the Human Resources Coordinator for questions.
- (3) Complete the form and provide a copy to your Supervisor.
- (4) The employee must review the completed form with their Supervisor and Department Head.
- (5) Together they will make corrections and/or changes as they feel necessary to accurately reflect the requirements of the position.

- (6) The updated form will be submitted to the County Administrator or the Human Resources Coordinator.
- (7) The Supervisor, Department Head, County Administrator and Human Resources Coordinator will review the request.
  - (a) If the County Administrator denies the request, see (11) (b).
  - (b) If it's determined that the request warrants a more comprehensive review, the information will be forwarded to a private consultant for further analysis and evaluation.
- (8) A Position Analysis Questionnaire (PAQ) may have to be completed prior to being forwarded to the private consultant. This is done by the employee and the direct Supervisor then reviewed by Human Resources Coordinator and the County Administrator.
- (9) The Consultant may request a telephone conference for further clarification regarding the submitted information. Attendees are determined by the County Administrator.
- (10) The private consultant will complete a review of the request and respond to the County Administrator with their analysis.
- (11) The County Administrator will either deny the request or recommend approval of the reclassification.
  - (a) If the County Administrator approves the request, it will be presented to the Personnel Committee for review and recommendation of approval by the Board of Commissioners. (Members include two Commissioners, County Administrator, Human Resources Coordinator and Department Head. The direct Supervisor and the employee may be invited to attend.)
  - (b) If the County Administrator denies the request, the employee may appeal the decision to the Personnel Committee.
- (12) The decision by the Personnel committee is final.
- (13) After the Board approves the request, the employee will meet with the Human Resources Coordinator who will explain implementation.

#### **201.416 – Wage Disclosure Protection**

- (A) Subject to Minnesota statute 181.172, the County shall not require nondisclosure by an employee of his or her wages as a condition of employment, require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's

wages or take an adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.

## **201.450**

### **Resignation and Retirement**

#### **201.451 – General**

- (A) An employee who wishes to resign from employment with the County shall provide a written resignation to their Supervisor at least ten (10) working days prior to their anticipated resignation date stating the effective date of resignation. Failure to comply with this procedure may be considered cause for denying the employee future employment by the County and denying terminal leave benefits.
- (B) The letter of resignation shall remain part of the employee's personnel file.

#### **201.452 – Unauthorized Absence**

- (A) An unauthorized absence for a period of three (3) consecutive duty days may be considered a resignation without notice by the employee's Supervisor. If the Supervisor determines that extenuating circumstances existed, the absence may be charged to leave, with or without pay, at the discretion of the Department Head.

#### **201.453 – Retirement**

- (A) There is no mandatory retirement age.

#### **201.454 – Exit Interviews**

- (A) Exit interviews will be given to all employees by their Supervisor.
- (B) Employees need to meet with the Human Resources Coordinator for completion of the separation process.

## **201.500**

### **Disciplinary Action**

#### **201.501 – General**

- (A) Disciplinary actions may take the form of a verbal reprimand, a written reprimand, suspension, or dismissal. The Department Head, the Human Resources Coordinator and the Supervisor will determine what the appropriate disciplinary action will be and who will assume the responsibility for administering that action. Disciplinary actions need not be imposed in any particular order; however, dismissals must be approved by the Board.

#### **201.502 – Types of Discipline**

- (A) Verbal Reprimand – A Supervisor and/or Department Head may verbally reprimand an employee relative to the improper performance of their job tasks or actions which may be in opposition to a generally accepted set of policies. Actions required to correct the deficiencies or misconduct noted must be conveyed to the employee. Verbal reprimands shall be noted in the employee's personnel file.
- (B) Written Reprimand – A written reprimand shall be prepared by the employee's Supervisor or Department Head and submitted to the employee with a copy to the Human Resources Coordinator for the employee's personnel file. The written reprimand shall be signed and acknowledged by both the Supervisor and the employee indicating a conference was held addressing the reprimand. It shall state that the employee is being warned for misconduct, describe past actions taken by the Supervisor to correct the problem, urge prompt correction or improvement by the employee, include timetables and goals for improvement when appropriate, and outline future penalties should the problem continue.
- (C) Suspension – Supervisors and/or Department Head, with the approval of the County Administrator, may suspend an employee, with or without pay, for a period of up to three (3) weeks, depending on the seriousness of the problem. The circumstances resulting in suspension shall be explained in a written communication to the employee and the County Administrator and a copy of the written communication placed in the employee's personnel file. Neither compensatory time nor vacation leave shall be used in lieu of an unpaid suspension.
- (D) Dismissal – An employee may be dismissed by written notice from their Supervisor and/or Department Head with the approval of the Board.



## **201.550**

### **Grievance/Appeal Procedures**

#### **201.551 – General**

- (A) A GRIEVANCE is defined as any difference arising between the employer and employee regarding the application of the provisions of this County Personnel Policy or any question relating to wages, hours of work, and other conditions of employment of any employee.
- (B) It is the desire of the County to address grievances informally. Both Supervisors and employees are expected to make every effort to resolve problems as they arise. It is also recognized that there may be grievances which will be resolved only after a formal grievance and review process.

#### **201.552 – Procedures**

- (A) If an informal resolution to a grievance is not reached, the following steps shall be taken, in the order listed, until resolution is achieved:
  - (1) An employee shall have seven (7) days after they should have been reasonably aware of an incident or occurrence, upon which a grievance is based, to present a grievance to their Supervisor. Their Supervisor shall make inquiry into the facts and circumstances of the grievance as soon as possible. The Supervisor shall attempt to resolve the grievance promptly and fairly and notify the employee of his/her grievance decision, in writing, within seven (7) days.
  - (2) If the employee is dissatisfied with the Supervisor's decision, the employee shall submit a written request for review to the County Administrator within seven (7) days of their Supervisor's decision. The County Administrator shall make such investigation as deemed necessary and shall, within fourteen (14) days after the receipt of the employee's request for review, inform the employee in writing of his/her decision.
  - (3) Within seven (7) days after the receipt of the County Administrator's decision, the employee may grieve the matter to the Board. The Board shall hold a hearing as soon as practicable to consider the grievance. At the hearing, the employee filing the grievance, their Supervisor, and the County Administrator may provide testimony and evidence concerning the grievance. The hearing shall be in accordance with the mandates of the current open meeting law. The Board shall issue a written decision within thirty (30) days after the hearing. The written decision of the Board shall be final.

- (B) Any of the foregoing time limits may be extended by mutual written consent of the employee, the Supervisor, and the County Administrator.

## **201.700**

### **Anti-Harassment Policy**

#### **201.701 - Policy**

- (A) Harassment on the basis of race, age, disability, sexual orientation, ethnicity, religion, sex, familial status or any other legally prohibited characteristic by any County employee is strictly forbidden. Substantiated violations of this policy by an employee or employer will result in disciplinary and corrective action against the perpetrator. No employee shall be subject to harassment, reduction in employment status, benefits, pay, or loss of advancement opportunity for filing a complaint or testifying in an investigation or appeal proceeding.

#### **201.702 - Definitions**

- (A) The following definitions shall apply:
  - (1) Sexual Harassment - Sexual harassment is further defined to include unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication when:
    - (a) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations, or public services, education or housing;
    - (b) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education or housing; or
    - (c) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, housing, or creating an intimidating, hostile or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.
  - (2) Employee - Employee is defined as an individual who is employed by an employer who resides or works in this State.
  - (3) Employer - Employer is defined as a person who has one or more employees.

- (4) Reporting Authority - Reporting authority is defined as one who receives a report of alleged harassment. Normally this would be a Department Head, Supervisor, County Administrator, Chairman of the Board of Commissioners, or County Attorney.

## **201.703 - Procedures**

- (A) The following informal and formal procedures should be followed in processing allegations of harassment.
  - (1) Informal Procedure - The employee shall make a complaint of the alleged harassment with his or her Supervisor or Department Head. If the alleged perpetrator is an elected official, the Supervisor or Department Head, the employee shall make the complaint of the alleged harassment to the Chairman of the Board of Commissioners. If the alleged perpetrator is the Chairman of the Board of Commissioners, the employee shall make the complaint of the alleged harassment to the County Attorney. The reporting authority shall immediately initiate an investigation of the alleged harassment and shall attempt to resolve the matter to the satisfaction of all parties.
  - (2) Formal Procedure
    - (a) Reporting - Any County employee who believes they have been subjected to harassment shall be requested, but is not obligated, to submit a signed, written statement to the reporting authority regarding the alleged harassment. The written complaint should contain a description of the behavior-communication that precipitated the alleged harassment, including the time, place and date of the harassment as well as any witnesses. A copy of a Harassment Report form should be made available to the employee to facilitate the reporting process.
    - (b) Investigation - The reporting authority shall investigate or arrange to have the complaint investigated. A list of suitable investigative entities will be maintained and reviewed by the Board on annual basis. If substantiated, the reporting authority or investigative entity shall attempt to mediate a resolution on a timely basis after receipt of the complaint.
    - (c) Interim Action - After receiving the report, the reporting authority may need to take interim action to insure that any harassment is abated. The nature of the action to be taken by the reporting authority may vary from case to case, but it should ensure that any harassment is effectively stopped

and that there be no retaliation towards the reporting employee for making the report.

- (d) Disciplinary Action - If the complaint is substantiated, corrective or disciplinary action may be taken against the perpetrator. This may include:
  - (i) a verbal reprimand;
  - (ii) a written reprimand;
  - (iii) a corrective action plan involving treatment, therapy or education on sexuality;
  - (iv) withholding of salary increase;
  - (v) suspension;
  - (vi) demotion or transfer, reduction in classification and/or salary; or
  - (vii) termination
- (e) Appeal Process - If this action does not resolve the situation to the party's satisfaction, either party may appeal the decision to the Board of Commissioners by filing a written complaint with the Board within five business days. The Board should affirm or modify the decision within 30 business days after receipt of the appeal.
- (f) Further Remedy - Filing a complaint does not preclude an employee from seeking action under the Minnesota Human Rights Act or other laws.

#### **201.704 - Types of Sexual Harassment**

- (A) Sexual harassment may be either verbal or physical and range from sexist jokes and comments to sexual assault. The blatant forms of sexual harassment are readily recognized. More subtle sexual harassment, however, can be equally destructive of good employee practices, demoralizing to employee relations and debilitating to employee work performance. Examples of illegal behavior given by the State Human Rights Department include:
  - (1) Unwanted sexual comments, innuendos or suggestions.
  - (2) Suggestive or sexist remarks about a person's clothing, body or sexual activity.
  - (3) Unwanted and unnecessary touching, brushing against, patting, or pinching.
  - (4) Suggestions, request or demand for sexual favors accompanied by implied or overt threats or promises.
  - (5) Display of pictures of objects depicting nude, scantily clad or suggestively posed women or men.
  - (6) Unwelcome and/or repeated suggestions regarding, or invitations to social engagements or other activities.

- (7) Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of sexual favors to any other employee, Supervisor or Department Head.
- (8) The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.

#### **201.705 - Employer Liability**

- (A) There are several levels of employer liability, depending on circumstances and parties to the harassment.
  - (1) The employer may have liability for action of its elected officials, Department Heads and Supervisors when these individuals engage in harassment, regardless of whether the acts were authorized or forbidden and regardless of whether the employer knew or should have know of their occurrence.
  - (2) Limited liability occurs with respect to conduct between fellow employees. The employer may be responsible for acts of harassment when the employer knows or should have known and fails to take immediate and appropriate action.
  - (3) In addition, the employer may be held liable where other persons who are not parties to the harassment are denied employment opportunities through favoritism granted elsewhere.
  - (4) The employer may also be responsible for the acts of non-employees, such as clients, sales representatives, or members of the public if the employer knows of the situation and could have alleviated the situation but failed to take immediate action.

#### **201.706 - Affirmative Action**

- (A) Declaration of Policy of Affirmative Action –The County acknowledges that equal opportunity for all persons is a fundamental human value. Consequently, it is the policy of the County to provide equal opportunity in employment and personnel management for all persons; to provide access to, admission to, full utilization and benefit of training and promotional opportunities without discrimination because of race, color, creed, religion, national origin, sex, age, veteran's status, public assistance status, handicap or disability, sexual orientation; and to otherwise promote full realization of human rights within the County to the extent that every person making application for, currently employed by, or will be considered on the basis of individual ability and merit, without discrimination or factor. In furtherance of this policy, the County of Yellow Medicine establishes an Affirmative Action Plan providing for and assuring fair and equitable treatment in all phases of public employment, including selection, compensation, benefits, training opportunities, promotions, transfers, layoffs and other terms, conditions and privileges of

employment. The concept of this affirmative action policy is consistent and fundamental to the maintenance of effective equal opportunity and shall be implemented as an integral part of the County of Yellow Medicine's personnel system.

- (B) In the interests of advancing the goal of open competition and equal opportunity in employment, the County undertakes the responsibility for communicating its affirmative action policy to those from whom it purchases products and services.

#### **201.707 - Equal Employment Opportunity**

- (A) It is the County's policy to provide equal opportunity to all employees and applicants for employment in accordance with all applicable equal employment opportunity/affirmative action laws, directives, and regulations of Federal, State, and local governing bodies or agencies thereof; specifically Minnesota Statutes 363.
  - (1) Yellow Medicine County, Minnesota, will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, handicap, disability, age, marital status, political affiliation, veteran's status, familial status, status with regard to public assistance or any other legally prohibited characteristic.
  - (2) Yellow Medicine County, Minnesota, will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training.
  - (3) Yellow Medicine County, Minnesota, will use its best efforts to afford minority and female business enterprises with the maximum practical opportunity to participate in the performance of projects that the County engages in.
  - (4) Yellow Medicine County, Minnesota, will commit the necessary time and resources, both financial and human, to achieve the goals of equal employment opportunity and affirmative action.
  - (5) Yellow Medicine County, Minnesota, fully supports incorporation of nondiscrimination and affirmative action rules and regulations into contracts.
  - (6) Yellow Medicine County, Minnesota, will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these affirmative action objectives as well as the established criteria. Any employee of the County who does not comply with the Equal Opportunity Policies and Procedures as set forth in this statement and the Affirmative Action Plan will be subject to disciplinary action.

- (7) Yellow Medicine County, Minnesota, will make a good faith effort to contract all outside projects with EEO/AA employers when economically feasible.
- (8) Yellow Medicine County, Minnesota, has appointed its County Attorney to manage the Equal Employment Opportunity Program. His responsibilities will include monitoring all equal employment opportunity activities and reporting the effectiveness of this Affirmative Action Plan, as required by Federal and State agencies. The Chairman and the Commissioners will receive and review reports on the progress of the program. If any employee or applicant for employment believes he has been discriminated against, please contact the County Administrator, Yellow Medicine County Equal Employment Opportunity/Affirmative Action Coordinator, 180 8<sup>th</sup> Ave., Granite Falls, MN 56241, or call (320) 564 5841. A complete copy of the Affirmative Action Plan can be obtained from the Yellow Medicine County EEO/AA Coordinator.

#### **201.708 - Documentation**

- (A) Supervisory staff are to maintain appropriate and adequate documentation of all actions taken in regards to claims of harassment.

#### **201.709 - Confidentiality and Data Practices**

- (A) Confidentiality of any complaint will be maintained to the greatest extent possible. Only those persons with a "right to know" the information should have access to it. An absolute promise of confidentiality cannot be assured, however. For example, in some circumstances, the subject of a report of harassment will have access to the name of the reporter and other relevant information made in the report. There may be circumstances, however, that release of this information will not occur, i.e. in those cases in which the reporting authority determines that the release of this information to the subject of the report would threaten the safety of the reporter or subject the reporter or witness to harassment.
- (B) Information that may become public includes:
  - (1) The existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in disciplinary action;
  - (2) The final disposition of any disciplinary action together with the specific reasons for the action and the data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; and
  - (3) The terms of any agreement settling any dispute arising out of an employment relationship, except the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money.



## **Yellow Medicine County**

### **201.710**

#### **Acknowledgment of Anti-Harassment Policy, Including Sexual Harassment**

I acknowledge that Yellow Medicine County prohibits unlawful harassment, including sexual harassment and harassment based on race, religion, disability, sexual orientation, ethnicity, sex, age or any other legally prohibited characteristic.

I understand that policies and procedures are in place at Yellow Medicine County to prevent and remedy such behavior.

I have read the County's Personnel Policies and understand that I am to make an immediate report if I am subjected to harassment (or have knowledge of any harassment) by any County employee - no matter if it is an executive, Supervisor, coworker, customer, vendor, or elected official.

Employee Name (Printed): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Yellow Medicine County

### 201.711 Harassment Report

A. Identifying Information

Your Name: \_\_\_\_\_ Your Position: \_\_\_\_\_

B. Report –Please describe the nature of the harassment that you experienced: what was said, done, observed; where did this take place; when did it occur; how long has this been going on; and the like. Be as specific as possible.

C. Witnesses – Please identify any witnesses who were present or have direct knowledge of what happened.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **201.750**

### **Code of Ethics**

#### **201.751 - Dedication to Values**

- (A) The proper operation of democratic government requires:
  - (1) That public officials be honest, impartial, and responsible to the people;
  - (2) That government decisions and policies be made in the proper channels of the government structure; and
  - (3) That public office not be used for personal gain, so that the public will have confidence in the integrity and ability of its government.
- (B) In recognition of these goals, this policy is established to guide all officials and employees of the County, whether elected or appointed, paid or unpaid, including members of boards, committees, commissions, and volunteers of the County.

#### **201.752 - Dedicated Service**

- (A) All officials and employees of the County should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointed officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

#### **201.753 - Conflict of Interest**

- (A) No employee or elected official, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political associations.
- (B) When an employee believes there is a potential for a conflict of interest, it is the employee's duty to have the situation reviewed. A conflict of interest shall be deemed to exist when a review of the situation by the employee and the employee's Supervisor results in a determination that any one of the following conditions are present:

- (1) The use for private gain or advantage of County time, facilities, equipment, supplies, badge, uniform, prestige or influence, of County office or employment.
  - (2) Receipt or acceptance by the employee of any money or other things of value, except as allowed by subparagraph A hereinabove, from anyone other than the County for the performance of an act which the employee would be required or expected to perform in the regular course or hours of County employment or as part of the duties as an employee.
  - (3) Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee.
  - (4) The performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.
- (C) Resolution of Conflict of Interest.
- (1) If the employee or the employee's Supervisor determines that a conflict of interest exists or that there is a potential conflict of interest, the matter shall be assigned by the Supervisor to another employee who does not have a conflict of interest.
  - (2) If it is not possible to assign the matter to an employee who does not have a conflict of interest, the Supervisor shall notify all interested persons including the Department Head and the County Administrator of the conflict. The employee shall then proceed with the assignment.

#### **201.754 - Values and Principles**

- (A) This list of principles incorporates the characteristics and values that most people associate with ethical behavior. An ethical decision systematically considers which, if any, of the following principles are involved. These principles should be used as a guide by all County officials and employees.
- (1) Honesty - Honest persons are truthful, sincere, forthright, straightforward, frank, and candid; they do not cheat, steal, lie, deceive, or act deviously.
  - (2) Integrity - Persons with integrity are principled, honorable, and upright; they are courageous and act on convictions; they will fight for their beliefs and will not adopt an "ends justifies the means" philosophy that ignores principles or be expedient at the expense of principles, be two-faced, or unscrupulous.
  - (3) Promise-Keeping - Persons worthy of trust keep promises, fulfill commitments, and abide by the spirit, as well as the letter, of an agreement; they do not interpret agreements in an unreasonably technical or legalistic manner in order to rationalize non-compliance or create justifications for escaping their commitments.
  - (4) Fidelity - Persons worthy of trust demonstrate fidelity and loyalty to

persons and institutions by friendship in adversity and support and devotion to duty; they do not use or disclose information learned in confidence for personal or political advantage. They safeguard the ability to make independent, professional judgments by scrupulously avoiding undue influences and conflicts of interest.

- (5) Fairness - Fair persons manifest a commitment to justice, the equal treatment of individuals, tolerance for and acceptance of diversity, and they are open-minded; they are willing to admit they are wrong and, where appropriate, change their positions and beliefs; they do not overreach or take undue advantage of another's mistakes or difficulties.
- (6) Caring - Concern for the well-being of others manifests itself in compassion, giving, kindness, and serving; it requires one to attempt to help those in need and to avoid harming others.
- (7) Respect - Ethical persons demonstrate respect for human dignity, privacy, and the right to self determination of all competent adults; they are courteous, and decent; they provide others with the information they need to make informed decisions about their own lives.
- (8) Citizenship - In a democracy, responsible citizenship is an ethical obligation; it involves lawfulness (abiding by laws and rules of society), participation (by voting and expressing informed views), social consciousness, and public service; public sector professionals have the additional responsibility of encouraging participation of others and a special obligation to respect and honor the democratic processes of decision making and avoiding unnecessary secrecy or concealment of information and assuring that the citizenry has all the information needed to exercise responsible citizenship.
- (9) Excellence - Ethical persons are concerned with the quality of their work; they pursue excellence, they are diligent, reliable, industrious, and committed. A public sector professional must be well informed and well prepared to exercise public authority.
- (10) Accountability - Ethical persons accept responsibility for decisions, for the foreseeable consequences of their actions and inactions, and for setting an example for others. Persons in the public sector have a special obligation to lead by example, to safeguard and advance the integrity and reputation of the legislative process, to avoid even the appearance of impropriety, and to take whatever actions are necessary to correct or prevent inappropriate conduct of others.
- (11) Avoidance of the Appearance of Impropriety - Because of the unique importance of credibility and public trust, government officials and employees must avoid even the appearance of impropriety.

#### **201.755 - Acceptance of Gifts or Favors**

- (A) Employees of the County of Yellow Medicine in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the County for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be in violation of this section:
- (1) Gifts of nominal value.
  - (2) Plaques or similar memento recognizing individual services, a field of specialty or contributions to a charitable cause.
  - (3) Payment or reimbursement of expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the County of Yellow Medicine, and which have been approved by the employee's Supervisor as part of the work assignment.
  - (4) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the County of Yellow Medicine.

#### **201.756 - Use of Confidential Information**

- (A) An employee of the County of Yellow Medicine shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

#### **201.757 - Use of Property**

- (A) An employee shall not use or allow the use of County time, supplies, or County-owned or leased property and equipment for the employee's private interest or any other use not in the interest of the County, except as provided by law.

#### **201.758 - Acceptance of Advantage**

- (A) No employee of the County in direct contact with suppliers or potential suppliers of the County, or who may directly or indirectly influence a purchase of products, the evaluating of contracted services, or otherwise has official involvement in the purchasing or contracting process may:
- (1) Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to the County.
  - (2) Accept directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise,

obligation or contract for future reward.

## **201.800**

### **Drug and Alcohol Testing**

#### **201.801 - Testing**

- (A) The purpose of this section is to set forth a policy on drug and alcohol testing of employees and job applicants as required by Minnesota Statutes 181.950 through 181.957.
- (B) For purposes of this article, the following definitions will apply:
- (1) Confirmatory Test or Confirmatory Retest - A drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statute 181.953, Subd. 1.
  - (2) Disciplinary Action - Any of the actions defined in 201.500 of these policies.
  - (3) Drug - A controlled substance as defined in Minnesota Statute 152.01, Subd. 4.
  - (4) Drug and/or Alcohol Test (or Testing) - Analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statute 181.953, Subd. 1 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
  - (5) Employee - A person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for the County.
  - (6) Initial Screening Test - A drug or alcohol test which uses a method of analysis under one of the programs listed in Minnesota Statute 181.953, Subd. 1.
  - (7) Job Applicant - A person, independent contractor, or person working for an independent contractor who applies to become an employee of the County, including a person who has received a job offer made contingent upon the person passing drug or alcohol testing.
  - (8) Positive Test Result - A finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statute 181.953, Subd. 1. An alcohol test will be considered positive if the employee tested has an alcohol concentration level of at least .05, or a lesser level if it is accompanied by an odor of an alcoholic beverage or signs of physical impairment in violation of other sections of this personnel policy. A residue amount of alcohol will be considered a positive test result only if accompanied by a separate violation of these policies.
  - (9) Reasonable Suspicion - A basis for forming a belief based upon specific facts and rational inferences drawn from those facts.



- (10) Safety-sensitive Position - A job, including any Supervisory or management position, in which an impairment caused by drug or alcohol usage could threaten the health or safety of any person.
- (C) The County may request or require an employee to undergo drug and alcohol testing if the County has a reasonable suspicion that the employee:
  - (1) Is under the influence of drugs or alcohol;
  - (2) Has used, possessed, sold, or transferred drugs or alcohol while on duty, on County property, or while operating County vehicles, machinery, or equipment;
  - (3) Has sustained, or caused another person to sustain, a work related personal injury; or
  - (4) Has caused a work related accident or was operating, or helping to operate, machinery, equipment, or vehicles involved in a work related accident.
- (D) Random testing without prior notice may be given to those employees who are in "safety sensitive" positions. Testing without prior notice may also be given to employees who have been referred by the County for chemical dependency treatment or evaluation, who are participating in a chemical dependency treatment program under an employee benefit plan, or have participated in such a chemical dependency treatment program in the prior two (2) years.
- (E) If an employee refuses to submit to drug and alcohol testing carried out in conjunction with this article, the employee may be subject to disciplinary action. If a job applicant refuses to submit to drug and alcohol testing, carried out in conjunction with this article, the job applicant may not be hired.
- (F) If an employee tampers with their own urine or blood sample, the employee may be subject to disciplinary action.
- (G) An employee who for the first time has a positive test result on a confirmatory test will not be subject to disciplinary action unless:
  - (1) The County has given the employee an opportunity to participate in a drug or alcohol counseling or rehabilitation program at the Employee's cost; and
  - (2) The employee has refused to participate or has failed to successfully complete the program within a reasonable time.
- (H) An employee who receives a positive test result on a confirmatory test, or who fails or refuses a confirmatory test and does not request in writing a confirmatory retest within five (5) working days after notice of positive confirmatory test results, may be subject to disciplinary action subject to

the provisions in this article. Such an employee may request a hearing under a negotiated agreement if permitted or under provisions of this policy. A job applicant who receives a positive test result, or who fails or refuses a confirmatory retest, or does not request in writing a confirmatory retest with five (5) working days after notice of a positive test result of a confirmatory test, may be refused employment and will be notified of the reasons for such refusal.

- (I) An employee or job applicant who receives a positive test result on a confirmatory test has the right to receive a copy of the test and, within three (3) working days of notice of the original positive confirmatory test result, to request a retest of the original sample at the employee's or job applicant's own expense.
- (J) Prior to requiring a drug or alcohol test, the employee or job applicant shall be given a form on which the employee or job applicant will acknowledge that they have read this article. The form will also ask the employee or job applicant to indicate any medication that the individual is currently taking or has recently taken and other information relevant to the reliability of, or explanation for, a positive test result.

#### **201.802 - Procedures**

- (A) The County shall use the services of a testing laboratory that meets one of the following criteria for drug testing:
  - (1) Is certified by the National Institute on Drug Abuse as meeting the mandatory guidelines published at 54 Federal Register 11970 to 11989, April 11, 1988; or
  - (2) Is accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois 60093-2750, under the forensic urine drug testing laboratory program.
- (B) For alcohol testing, the laboratory must be accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois 60093-2750, in the laboratory accreditation program.
- (C) The County declares that all sheriff, jail, and highway department positions, including but not limited to union, non-union, Supervisory, and management positions, are hereby designated as "safety sensitive" positions.
- (D) This article shall be distributed to all county employees and receipt acknowledged in writing.

**201.803 - Administrative Responsibility**

- (A) Supervisors shall be responsible for informing their employees of this article.
- (B) The applicable Department Head shall be responsible for implementing this article.

## **201.850**

### **Urine and Blood Sample Collection**

#### **201.851 - Purpose**

- (A) To define procedures for collecting urine and/or blood samples from employees under 201.850 of these policies.

#### **201.852 - Policy**

- (A) This article shall pertain to all present employees classified as "safety sensitive" as defined in 201.801 (B) (10).
- (B) This article shall also pertain to all other current employees where there is a reasonable suspicion, as defined under 201.801 (B) (9), that the employee:
  - (1) Is under the influence of drugs or alcohol;
  - (2) Has violated the County's written codes, ordinances, rules, or policies relating to drugs or alcohol;
  - (3) Has sustained or caused another person to sustain a work related personal injury; or
  - (4) Has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work related accident.

#### **201.853 - Procedures**

- (A) Once the circumstances warrant implementation of this procedure, the employee's Supervisor and the County Administrator shall:
  - (1) Advise the employee that in accordance with the County's personnel policies they are required to submit to testing;
  - (2) Give the employee a copy of 201.800 of these policies and allow them a reasonable period of time to review the same;
  - (3) Provide a consent form to the employee and ask them to read the form and complete the required information; and
  - (4) Direct the employee to sign and date the consent form and witness their signature by completing the witness portion of the consent form.
- (B) The County has established chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the sample to be tested as follows:
  - (1) Possession of the sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected

- through the time the sample is delivered to the laboratory;
- (2) The sample must always be in the possession of, must always be in view of, or must be placed in a secured area by a person authorized to handle the sample;
  - (3) A sample must be accompanied by a written chain-of-custody record; and
  - (4) The Supervisor relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

(C) Refusal to Consent

If the employee refuses to give their consent, have them sign the form indicating the drug screen refusal and witness their signature.

- (1) Refusal to consent will result in immediate suspension with pay.
- (2) Documentation is to be completed and filed with the County Administrator as soon as possible.

(D) Blood and Urine Testing

If it has been determined that a blood or urine test is to be given:

- (1) The Supervisor shall take the employee to the appropriate medical facility;
- (2) The Supervisor shall direct that the blood sample be drawn or urine sample given in accordance with 201.800 of this policy by a certified technician;
- (3) The Supervisor shall make certain that the consent form and sample are completed in accordance with the County's chain-of-custody procedures; and
- (4) The laboratory technician shall be responsible for transportation of the sample.

(E) Suspension

Whether an employee signs or does not sign the consent form, they are to be placed on suspension with pay. The Supervisor or a designated person shall take the suspended employee to the employee's place of residence.

(F) Distribution

This article shall be distributed to all County employees and receipt acknowledged in writing.

**201.854 - Administrative Responsibility**

- (A) Supervisors shall be responsible for informing their employees of this article.
- (B) Department Heads shall be responsible for implementing this article.

## 201.900 Drug Screening Consent/Refusal Form

I, \_\_\_\_\_, authorize the collection of my blood and/or urine in the physical presence and view of a person designated by the County. In addition, I authorize the County to receive the results of the test(s) from the designated laboratory analyzing the sample(s).

I have read 201.800, Drug and Alcohol Testing, of the County's personnel policies and I understand that the results of this testing may affect my employment status with the County.

In order to insure accuracy in this screening, it is essential to know **any** and **all** of the prescription drugs or over-the-counter medications I have taken within the last **60 days**, as well as any other relevant information.

I am currently taking, or have taken within the last 60 days, the following drugs/medications:

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Other relevant information:

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\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

### Drug Screening Refusal

I refuse to submit to a drug or alcohol test. I have read 201.800, Drug and Alcohol Testing, of the County's personnel policies and understand that a refusal to submit to testing may subject me to discipline including, but not limited to, discharge.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

### **Acknowledgement of Receipt**

I, \_\_\_\_\_, hereby acknowledge:

- (1) I have received a copy of the Yellow Medicine County Personnel Policies;
- (2) I have read and understand the policies; and
- (3) I agree to abide by the terms of the policies.

\_\_\_\_\_  
Employees Signature

\_\_\_\_\_  
Date

This acknowledgement will become a permanent part of your employee file.

Please return this form as soon as you have complied with the items listed above.